

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7788 of 2016

Arising Out of PS.Case No. -192 Year- 2015 Thana -RAGHUNATHPUR District- SIWAN

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1. Bishwanath Tiwari Son of Uma Shankar Tiwari
2. Master Tiwari @ Vivek Tiwari Son of Bishwanath Tiwari
3. Bipin Tiwari S/o Surendra Tiwari All are Resident of village - Nawadih,
P.S. Raghunathpur, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr. Sadanand Paswan(APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 01-04-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory arises out of Raghunathpur Police Station Case No. 192 of 2015, disclosing offences under Section 435 of the Indian Penal Code as well as Section 3(2) (III) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel appearing on behalf of the petitioners submits that no offence under Section 3(2) (III) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out as there is no allegation that the petitioners committed the alleged offence because the informant belonged to a Scheduled Caste. He further submits that the implication of the petitioners is because of personal grudge and dispute between the parties.

Considering the nature of accusation and the submissions as advanced, this application is allowed. Let the petitioners above-named in the event of their arrest/surrender within four weeks from today in the Court below be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Raghunathpur P. S. Case No. 192 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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