

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7792 of 2016

Arising Out of PS.Case No. -19 Year- 2014 Thana -SC/ST P.S. District- MUZAFFARPUR

=====

1. Shambhu Pd. Singh @ Shambhu Singh Son of Late Raghunath Singh
2. Gabbar Singh @ Ratnesh Kumar Singh Son of Rambali Singh All are
resident of village - Maheshwara, P.S. Gaighat, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs. Bela Singh
For the Opposite Party/s : Mr. C. Jawahar (APP)

=====

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
Muzaffarpur SC & ST Police Station Case No. 19 of 2014, disclosing
offences under Sections 341, 323, 504, 506, 354, 427, 380/34 of the
Indian Penal Code and Section 3(1) (x) (xi) of the Scheduled Caste
and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There are altogether eight persons named in the First
Information Report including these petitioners.

Learned counsel appearing on behalf of the petitioners has
submitted that the prosecution case as narrated in the First
Information Report is highly improbable and is malicious. She
submits that no offence under Sections 3(1) (x) (xi) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is

made out on the basis of the allegation as contained in the First Information Report in the absence of any allegation that the occurrence taken place within the public view. According to her, the case has been instituted because of land dispute between the parties.

Considering the aforesaid submissions, 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 Additional Chief Judicial Magistrate, Muzaffarpur in Muzaffarpur SC & ST P. S. Case No. 19 of 2014, 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)

ArunKumar/-

U			
---	--	--	--