

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10090 of 2016

Arising Out of PS.Case No. -14 Year- 2015 Thana -SC/ST District- ARRARIA

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1. Priyalankar Singh @ Prayalankar Singh @ Gabbar Singh @ Pralyankar Singh S/o late Naresh Singh
 2. Suresh Singh S/o late Amirika Singh
 3. Ganesh Singh S/o late Amirika Singh
 4. Sudhir Singh S/o Suresh Singh
 5. Sanjay @Sanjay Singh S/o Suresh Singh
 6. Ashwani Singh S/o Suresh Singh
 7. Tuntun Singh S/o Suresh Singh
 8. Baua Singh @ Bauwa Singh S/o Suresh Singh
 9. Mritunjay Singh@Mirtunjay Singh@Jhunjhun Singh S/o Ganesh Singh
- All residents of Village- Madhura Uttar ward no 10 PS Narpatganj Dist Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-05-2016 Learned counsel for the petitioners submits that the inadvertently mistake has been made in para-3 of this application as instead of the petitioner No. 2 it should be petitioner No. 1.

Learned counsel for the petitioners is permitted to make the said corrections.

Heard learned counsel for the petitioners and learned Special Public Prosecutor for the State.

The petitioners apprehend their arrest in connection

with Araria SC/ST Case No. 14 of 2015 for offences alleged under Sections 147, 148, 341, 323, 354(A), 324, 379, 504, 506 of the Indian Penal Code and Sections 3(i) (ii), 3(i) (iv) and 3(i) (xi) of the SC / ST (Prevention of Atrocities) Act.

The prosecution case as lodged by the informant is that on 18.04.15 at about 8.A.M. accused persons namely Priyalankar Singh @ Gabbar Singh, Chhotu Singh, Suresh Singh Ganesh Singh, Sudhir Singh Sanjay Singh, Ashwani Singh, Tuntun Singh and Bauwa Singh, surrounded the house of the informant along with Arms. Accused Priyalankar Singh @ Gabbar Singh had taken three knot three pistol in his hand and ordered his companions due to which Suresh Singh pulled down his wife who became half necked and they took the Box containing articles and began to destroy his house. When his wife and sister came there for rescue they were assaulted to them and they were also abused to calling her caste name by calling Sala Dom. The neighbour came for rescue then they were assaulted to them and snatched silver chain from the neck of his sister and also herself. Accused Mirtunjay Singh @ Jhunjhun Singh threatened and also abused by calling his caste name Dom.



It has been submitted by the learned counsel for the petitioners that they are innocent having no criminal antecedent except petitioner No.1 who is an accused in another case and has been granted anticipatory bail. He further submits that the allegations upon the petitioners are general, there is a land dispute between the parties and due to it there is inimical term between the parties. He further submits that no case under SC/ST Act is made out against them as the incident occurred at the house of the informant. He further submits that Section 379 is a super edition.

However, the learned Special Public Prosecutor for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer of bail.

Be that as it may, since the matter relates to the civil dispute, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria SC/ST Case No. 14 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, since the petitioner No. 1 is an accused in another case if he is found to have committed an offence of similar nature in future, the learned court below will be at liberty to cancel the bail bonds without being prejudiced with this order.

(Nilu Agrawal, J)

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