

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8341 of 2016

Arising Out of PS.Case No. -128 Year- 2013 Thana -RIVILGANJ District- SARAN

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1. Bhubneshwar Singh, Son of Late Ram Pujan Singh.
2. Prabhunath Singh.
3. Chandra Shekhar Singh.
 Both son of Ramkathin Singh.
4. Pintu Kumar Singh, Son of Late Lallan Singh.
5. Rahul Kumar Singh, son of Chandra Shekhar Singh,
 All residents of Village Khairwar, P.S. Revilganj, District Saran.
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajit Kumar, Advocate
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 18-04-2016 Learned counsel for the petitioners at the very outset points out that petitioner no. 3, namely, Chandra Shekhar Singh died during the pendency of this application and as such his application has become infructuous.

2. As prayed, the anticipatory bail petition as against petitioner no. 3, namely, Chandra Shekhar Singh is permitted to be withdrawn and is dismissed as such.

3. Heard learned counsel for the petitioners and learned APP for the State.

4. The petitioners apprehend their arrest for the offences alleged under Sections 147, 149, 323, 324, 354, 504 and 506 of the Indian Penal Code and Sections 3 (i), (v) (x) (xii) of

the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act registered in connection with Revilganj P.S. Case No. 128 of 2013.

5. It is submitted that the petitioners have been falsely implicated in the backdrop of an earlier FIR in Revilganj P.S. Case No. 125 of 2013 instituted at the instance of the petitioners' side against the informant's side including the informant's husband Dineshwar Ram. It is further submitted that admittedly there is a land dispute between the parties. It is submitted that the ingredients of the offence under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act are not made as the alleged occurrence is not in public view.

6. Having regard to the entirety of the facts and circumstances of the case, as such, in the event of the arrest or surrender of petitioner nos. 1, 2, 4, and 5 before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 1, 2, 4 and 5 be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Sri B.B. Rai, learned Judicial Magistrate, Ist Class, Saran at Chapra in connection with Revilganj P.S. Case No. 128 of 2013, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also

subject to the following further conditions:-

(i) The petitioners shall cooperate with the investigation and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioners shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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