

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13897 of 2016

Arising Out of PS.Case No. -308 Year- 2015 Thana -PIRBAHOR District- PATNA

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1. Bharat Kumar Thakur S/o Late Ram Sevak Thakur, resident of Devrai, P.S.- Amaithi, District- Darbhanga.
 2. Sri Nath Mishra S/o Yadu Nandan Mishra, R/o Masudhi, P.S.- Jagdishpur, District- Bhojpur.
 3. Arun Kumar S/o Avadesh Kumar R/M Chanakya Nagar Kumhrar, Kankarbagh, P.S.- Agamkuan, District- Patna, A/P posted as assistant Establishment Branch, Patna University, Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bauye Jee Jha (B.J. Jha), Advocate

For the Opposite Party/s : Mr. Ram Shankar Das, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 01-04-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Pirbahore P. S. Case No. 308 of 2015 registered under Sections 323, 341, 467, 468, 419, 504, 506 and 120-B of the Indian Penal Code and Sections 3(i)(viii)(ix)(x) and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It is contended by the learned counsel for the



petitioners that initially, a complaint was filed in the court of Chief Judicial Magistrate, Patna which was referred to the police under Section 156(3) of the Code of Criminal Procedure, 1973 for investigation, pursuant to which an FIR was instituted on 30th December, 2015. In the complaint petition, the complainant has alleged that the accused persons have been harassing him since 9th March, 2005. It is further contended that from the perusal of the entire complaint, it would appear that the allegations are quite vague and misconceived. The allegation made in the complainant do not attract ingredients of any cognizable offence punishable under the aforesaid sections of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

On the other hand, learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioners. He has submitted that though there is ambiguity in the complaint, annexures to the complaint would reflect that the petitioners had been harassing the informant since 2005.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, the petitioners named above are directed to be released on bail on

furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in Pirbahore P. S. Case No. 308 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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