

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14341 of 2016

Arising Out of PS.Case No. -296 Year- 2015 Thana -FALKA District- KATIHAR

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1. Mahendra Yadav S/o late Anup Lal yadav
2. Bhola Yadav S/o Mahendra Yadav All are Resident of Koskipur, P S
Kursela, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh

For the Opposite Party/s : Mr. Nirmala Kumari (App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 20-04-2016 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Falka (Pothia) Police Station Case No. 296 of
2015, disclosing offences under Sections 448, 341, 323,
307, 504/34 of the Indian Penal Code and Section 3 (i) (x)
of the Schedule Castes and Schedule Tribes (Prevention of
Atrocities) Act.

Learned Counsel for the petitioners submits that
the injury report falsifies the allegation as contained in the
First Information Report. He submits that the injuries have
been found to be simple in nature, caused by hard and
blunt substance. He submits that leveling of Section 3 (i)
(x) of the Schedule Castes and Schedule Tribes (Prevention
of Atrocities) Act is mere superimposition. A counter case
has been instituted by a co-accused, Sanjay Yadav,

implicating the informant as an accused, vide Falka Police Station Case No. 297 of 2015. The petitioners do not have any criminal antecedent.

Considering the submission, as above, this application is allowed.

Let the petitioners, namely, Mahendra Yadav and Bhola Yadav, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Falka (Pothia) Police Station Case No. 296 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners 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.)

Prabhakar Anand/-

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