

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17645 of 2016

Arising Out of PS.Case No. -72 Year- 2015 Thana -DARPA District-
EASTCHAMPARAN(MOTIHARI)

- =====
- 1. Robin Paswan
 - 2. Upendra Paswan Both sons of Roop Narayan Paswan
 - 3. Maya Devi wife of Roop Narayan Paswan
 - 4. Jathi Devi daughter of Roop Narayan Paswan
 - 5. Rampat Ram son of Lagan Ram
 - 6. Ramashray Ram son of Budhan Ram null
 - 7. Bhulan Paswan son of Bihari Paswan All are residents of Village - Narkatiya Bazar, P.S. - Darpa, District - East Champaran.

.... Petitioner/s

Versus

- 1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar & Pankaj Kumar Das,
Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-05-2016 Heard learned counsel for the petitioners and learned
Special P.P. for the State.

The petitioners apprehend their arrest in connection with Darpa P. S. Case No. 72 of 2015 registered for offence punishable under Section 353/34 of the Indian Penal Code and Section 3 (i) (iv) (v) of the SC/ST (Prevention of Atrocities Act).

The prosecution case, as lodged by Anchal Adhikari before S.H.O., Darpa P.S. is that on 29.07.2015 the informant went to give possession of the parcha holders, namely Ramagya



Ram, Mohan Ram, Chandeshwar Ram, Rambalak Ram, Bindeshwar Ram, Birendra Ram, Jitendra Ram, Nandu Ram, Punyadeo Ram, Shambhu Ram, Yogendra Ram and Fulena Paswan on the direction of Chief Secretary, Government of Bihar vide letter No. 783/Ka/ra dated 30.06.2015 who were illegally dispossessed by the accused persons, who created obstruction in official duty and insulted and humiliated the informant, who is Aanchal Adhikari of Chaurdane, East Champaran.

It has been submitted by the learned counsel for the petitioners that neither the case under Section 353 of the Indian Penal Code nor under Section 3 (i) (iv) (v) of the SC/ST (Prevention of Atrocities Act) is made out against the petitioners, as they are also of SC/ST community although Aanchal Adhikari also is a member of the Scheduled caste. It has further been submitted that the alleged date of occurrence is 29.07.2015 while the F.I.R. has been instituted after inordinate delay i.e. on 04.08.2015 and no reason has been given for such delay.

Learned counsel for the petitioners further submits that they have clean antecedent, as is evident from para-3 of the present application. Learned counsel for the petitioners submits that petitioners have not created any obstruction to the informant for doing the official duty of Government of Bihar.

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

Be that as it may, let the above named petitioners 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 learned Sub Divisional Judicial Magistrate, Raxaul at Motihari, in connection with Darpa P.S.Case No. 72 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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