

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14396 of 2016

Arising Out of PS.Case No. -221 Year- 2015 Thana -KHAGAUL District- PATNA

1. Kundan @ Kundan Kumar
2. Chandan @ Chandan Kumar.
Both sons of Dineshari Rai, resident of Village- Murgiachak, Police Station-
Khagaul, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr. Veena Rani Pd.(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-04-2016

Heard learned counsel for the petitioners

and learned Special Public Prosecutor for the State.

Petitioners apprehend arrest in connection
with Khagaul P.S. Case No. 221/15 for offences alleged
under Sections 341, 323, 448, 354-A/34 of the Indian Penal
Code and under Sections 3(i)(x) of the SC/ST(Prevention of
Atrocities) Act.

The prosecution case, as lodged by the
informant, is that petitioners entered the house of the
informant and were teasing her daughter and when she
objected they assaulted her and her sons.

It has been submitted by the learned counsel



for the petitioners that they are innocent having no criminal history and have falsely been implicated in the aforesaid case. He further submits that all the Sections of the Indian Penal Code are bailable and even Sections 3(i)(x) of the SC/ST (Prevention of Atrocities) Act are not made out as the incident occurred inside the house. It has further been submitted that no overt act has been committed by these petitioners and it is on the basis of previous enmity that while the informant had opened a toddy shop, which was opposed by the petitioners' side and that a proceeding under Section 107 Cr.P.C. has been initiated in Case No. 1009 of 2015 being on inimical terms the petitioners, who are the full brothers, have falsely been implicated.

However, learned APP for the State opposes the prayer for bail stating that the petitioners are named in the First Information Report.

Be that as it may, let 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) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial

Magistrate, Danapur, Patna, in connection with Khagaul P.S.
Case No. 221/15, subject to the conditions as laid down
under Section 438(2) Cr.P.C.

(**Nilu Agrawal, J.**)

Rajesh/-

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