

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14609 of 2016

Arising Out of PS.Case No. -54 Year- 2015 Thana -ST/SC (HARIJAN) District- BHABHUA
(KAIMUR)

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1. Nagina Sah @ Ram Nagina Sah
 2. Chandra Shekhar Sah Both (Sl No. 1 and 2) Sons of Late Jagarnath sah
 3. Ravi Shankar Sah
 4. Hari Shankar Sah Sl No. 3 and 4 are sons of Dina Nath Sah
 5. Sanjay Kumar Gupta Son of Nagina Sah@Ram Nagina Sah All
Resident of Village- Gobarachh, PS Bhagwanpur, District Kaimur
(Bhabua)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Ambika Bhagat(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 21-04-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bhabhua P.S. Case No. 54 of 2015, disclosing offences under Sections 341, 323, 307, 504, 506, 379/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 (i) (x) (xiv) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

From First Information Report, it appears that there is a dispute between the petitioners and the informant over passage.

Allegedly, when the informant was using the passage, the F.I.R. named accused persons, who are petitioners in the present application, abused him by taking his caste name and assaulted him vigorously. It is alleged that the petitioner no.4 opened fire but the bullet did not hit the informant.

Learned Counsel appearing on behalf of the petitioners submits that no offence under Sections 3 (i) (x) (xiv) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is made out in the facts and circumstances of the present case. He has further submitted that the institution of F.I.R is abuse of process of law. He further submits that upon notice issued to the petitioners under Section 41 (i) of the Cr.P.C., they turned up for investigation and therefore, there is no likelihood that they would tamper with the prosecution evidence.

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

Let the petitioners, namely (1) Nagina Sah @ Ram Nagina Sah (2) Chandra Shekhar Sah (3) Ravi Shankar Sah (4) Hari Shankar Sah and (5) Sanjay Kumar Gupta, 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 Sri Manoj Kumar, Judicial Magistrate 1st Class, Bhabhua, Kaimur, in connection with Bhabhua Police Station Case No. 54 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.)

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