

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17592 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -SC/ST District- SITAMARHI

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1. RAJA RAM MAHTO son of Lalan Mahto
2. Indu Devi wife of Lalan Mahto All are residents of Village - Karauna
Malahi, P.S. - Sursand, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-04-2016 Heard learned counsel for the petitioners as well as

learned Special Public Prosecutor for the State.

Petitioners apprehend his arrest in connection with
Sitamarhi SC/ST P.S. Case No.02 of 2016 for the offences alleged
under Sections 341, 323, 324, 307, 379/34 of the Indian Penal Code
and Section 3(1) (X) of the SC/ST Act

The prosecution case, in short, as lodged by the
informant, Hari Shankar Ram., is that on 31.12.2015 when he
came back from his relative his father told him that one Lalan
Mahto cut his sesam tree and had taken away on tractor upon
which the informant along with others went to the house of said
Lalan Mahto and asked for the price of the said sesam a sum of
Rs.48000/- from him, but Lalan Mahto was ready to pay
Rs.10,000/- only. When the informant refused to take money,

Lalan Mahto abused him calling his caste name. On protest, Lalan Mahto wrapped Gamcha around his neck and assaulted him with danda due to which the informant fell down and petitioner no.2, Indu Devi spitted on his mouth. Petitioner no.1, Rajaram Mahto also abused him saying his caste name and ordered to kill him but on alarm villagers came and the informant could be saved.

It has been submitted by the learned counsel for the petitioners that they are innocent having no criminal antecedent and the allegation is upon the father of petitioner no.1 and husband of petitioner no.2, Lalan Mahto who is in custody. It has further been submitted that the dispute is regarding sesam log which is alleged to have been taken away by the said Lalan Mahto without paying the sufficient price to the informant. It has further been submitted that the wooden log of sesame tree had not been found in the house of the petitioner rather as per seizure list it has been found in the Anganbari premises which falsifies the prosecution case.

Learned Senior counsel further submits that the allegation of abusing by caste name is not in public view but as per the F.I.R. in the house of the petitioner. Hence, no case under SC/ST Act is made out against the petitioners.

Learned Special A.P.P. submits that the petitioners are named in the F.I.R.. Hence, he opposes the prayer for

anticipatory bail.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender before the court below within eight weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, SC/ST P.S.Case No.02 of 2016 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

AnilKrSinha/-

(Nilu Agrawal, J)

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