

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17695 of 2016

Arising Out of PS.Case No. -24 Year- 2016 Thana -CHAND District- BHABHUA (KAIMUR)

- =====
1. Nand Lal Sharma
 2. Shyamdeo Sharma
 3. Ramdeo Sharma
 4. Santu Sharma All sons of Mithai Sharma R/o Village Baire, P.S.-
Chand, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Madhuranand Jha (Spl. PP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-05-2016

Heard learned counsel for the petitioners, learned
counsel for the informant and the learned Special P.P. for the
State.

Petitioners apprehend their arrest in connection with
Chand P.S. Case No. 24 of 2016, G.R. No. 621 of 2016 registered
for offences punishable under Sections 341, 323, 354, 325, 307
and 506/34 of the Indian Penal Code and Section 3(i),(x),(xi) of
the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (hereinafter referred to as the Act).

The prosecution case, in brief, is that petitioner nos. 3
and 4 teased the daughter-in-law of the informant on which
husband of the informant scolded them. Thereafter, all the

petitioners assaulted the family members of the informant, as a result of which her husband and son got injured.

It has been submitted by the learned counsel for the petitioners that although the date of occurrence is 01.03.2013, but the First Information Report has been lodged on 02.03.2016, i.e., after 26 hours. He further submits that no case under Section 3(i)(x)(xi) of the Act is made out against the petitioners, as the First Information Report does not disclose as to what caste name of the informant or his family members has been taken. He further submits that Complaint Case No. 251 of 2016 has been lodged on 03.03.2016 by petitioner no.3, Ramdeo Sharma against informant's side, which has been registered as Chand P.S. Case No. 32 of 2016 in which occurrence, petitioner no.3 has received grievous injuries. He further submits that the injuries found on the person of the informant and her husband have been found to be simple in nature, except, injury no.4 received by the husband of the informant on his wrist and lower arm, whereas injury which has been caused on the skull of petitioner no.3 by the informant's side is grievous in nature. Counsel for the petitioners further submits that they have no criminal antecedent, as is evident from paragraph 3 of this petition and no case under Section 307 of the Indian Penal Code is made out against them.

However, learned counsel for the informant submits that the petitioners have abused the informant and her husband and have also inflicted injuries on their person. Learned Special P.P. for the State and the learned counsel for the informant, thus, oppose the prayer for bail as the petitioners are named in the First Information Report.

Be that as it may, since there is case and counter case, let the 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 only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Chand P.S. Case No. 24 of 2016, G.R. No. 621 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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