

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18002 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -BRAHMPUR District- BUXAR

1. Pintu Tiwary, son of Vidyasagar Tiwary.

2. Vidyasagar Tiwary, son of Late Sri Ram Tiwary.

Both are the residents of village - Bhariar, P.S. Brahampur (Chakki), District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 13-07-2016

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Brahampur (Chakki) P.S. Case No.41 of 2016 (G.R. No.563 of 2016), disclosing offences under Sections 341, 323 and 504/34 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant was objecting removal of

electric pole by the petitioners, whereupon, the petitioners abused him by taking his caste name and assaulted him.

Learned counsel for the petitioners has submitted that no offence, under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is, *prima facie*, made out against the petitioners, as there is no allegation that the occurrence of abusing the informant, taking his caste name, had taken place within public view.

Considering the submission, as above, and the nature of accusation, this application is allowed. Let the petitioners, above named, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Buxar**, in connection with **Brahampur (Chakki) P.S. Case No.41 of 2016 (G.R. No.563 of 2016)**, 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, above named, 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)

Praveen-II/-

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