

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19175 of 2016

Arising Out of PS.Case No. -309 Year- 2015 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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1. Prakash Ranjit Kumar Singh @ Bangtu Singh S/o Sri Bhushan Singh @
Buchhi Singh
2. Braj Bhushan Pd. Singh @ Braj Bhushan Singh S/O Late Ram Bahadur
Singh, Both are residents of village- Narayanpur, P.S.- Kusheswar Asthan,
District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
With Mr. Lakshmi Kant Tiwary

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

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 13-05-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for anticipatory bail arises out of
Kusheshwar Asthan P.S. case No. 309 of 2015, disclosing
offences under Sections 147, 148,149 447,427, 341,323, 324,307,
379,354,504 of the Indian Penal Code and 3(i) (x) (xi) of the
Scheduled Caste and Scheduled Tribe (Prevention of Atrocities)
Act.

Learned Senior Counsel appearing on behalf of the
petitioners has submitted that no offence under Section 3(i) (x) of
the Scheduled Caste and Scheduled Tribe (Prevention of



Atrocities) Act is made out, in the absence of any allegation that occurrence had taken place within public view. It has also been submitted that no offence under Section 3(i) (xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is also constituted as it has not been alleged that the accused persons attempted to outrage the modesty of any person belonging to Scheduled Caste or Scheduled Tribe. He has further submitted that as is evident from the allegation made in the First Information Report the occurrence took place over a petty dispute. The petitioners have no criminal antecedents as has been stated in paragraph 3 of the application.

Considering the nature of allegation in the First Information Report, this application is allowed. Let the petitioners above-named in the event of their arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Biraul, Darbhanga in Kusheshwar Asthan P. S. Case No. 309/2015, subject to the conditions as 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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