

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22290 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -SC/ST District- KISANGANJ

- =====
1. Soni Devi Wife of Shyam Sah
 2. Kalpana Devi wife of Sanjay Roy @ Munna
 3. Sanjay Rai Son of Late Kalu Roy
 4. Arun Modi Son of late Bhagwan Modi

All are Resident of Village- Dharamganj Majhia, Road, Police Station
Kishanganj in the district of Kishanganj.

5. Subhash Rai @ Subhash Ray Son of Swapan Roy
6. Amla Devi Wife of Swapan Roy

Both are resident of Village- Bharna, Police Station Chakuli, in the
district of Uttar Dinajpur (W.B)

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Opposite Party/s : Mr. Ambika Bhagat, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioners and learned
Special Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with
Kishanganj SC/ST P. S. Case No. 07 of 2016 registered under
Sections 341, 323, 354 and 504/34 of the Indian Penal Code and
Section 3(i)(r)(s)(u) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989.



It is contended by the learned counsel for the petitioners that no occurrence as alleged had ever taken place and the instant case has been instituted only with intent to humiliate and harass the petitioners. It is further contended that apart from Sections 354 of the Indian Penal Code and 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, all other sections as alleged in the FIR are bailable in nature. Advancing his argument, he has further contended that the falsity of the case would be apparent from the fact that though the alleged occurrence took place on 16th February, 2016, the matter was reported to the police after five days on 21st February, 2016 and there is no plausible explanation for the delay in instituting the FIR.

Learned Special PP for the State has opposed the prayer for grant of pre-arrest bail to the petitioners.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in Kishanganj SC/ST P. S. Case No. 07 of

2016, subject to the conditions as laid down under Section 438 (2)
of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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