

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21222 of 2016

Arising Out of PS.Case No. -278 Year- 2015 Thana -BARHARIA District- SIWAN

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1. Maksood Alam @ Maksood S/o Khush Mohammad
 2. Mehdi Hasan S/o Rasool Gaddi
 3. Jan Mohammad s/o Rasool Gaddi

All are resident of village Harpur, Tola Chatishi, P.S. Barhariya, District-Siwan.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Adv.
For the Opposite Party/s : Mr. Ram Shankar Das (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 24-05-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Barhariya P. S. Case No. 278 of 2015 registered under Sections 147, 149, 448, 341, 323, 325, 354, 427, 302, 504 & 506 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It is contended that an out and out false case has been instituted by the informant of the present case. The allegation made in the FIR is that one Chandrika Rai died due to the injuries



sustained by him in the alleged incident which took place on 21st August, 2015, but the post-mortem report would reveal that no external or internal injury was found on his person. It is further contended that the FIR is an afterthought as the same has been instituted on 23rd August, 2015 and four other co-accused, namely, Diljan @ Diljan Ali, Ashique Ali, Reyaz Ali @ Reyaj Gaddi and Aliraja having identical allegations to that of the petitioners have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 12th April, 2016 passed in Cr. Misc. No. 15074 of 2016. It is also contended that since the alleged occurrence is said to have taken place inside the house, offence alleged under Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act would not be attracted.

Learned counsel 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, Siwan in Barharia P. S. Case No. 278 of 2015, 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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