

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48591 of 2015

Arising Out of PS.Case No. -68 Year- 2015 Thana -SIGORI District- PATNA

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1. Ramesh Yadav, Son of Late Kapildeo Yadav, resident of Belban, Police Station- Sigori, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.43626 of 2015

Arising Out of PS.Case No. -68 Year- 2015 Thana -SIGORI District- PATNA

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1. Raja Yadav Son of Late Raman Yadav
2. Manoj Yadav Son of Late Raman Yadav Both resident of Village- Belwan, Police Station- Sigori, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.48591 of 2015)

For the Petitioner/s : Mr. Parashuram Singh

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

(In Cr.Misc. No.43626 of 2015)

For the Petitioner/s : Mr. Parashuram Singh

For the Opposite Party/s : Mr. Ram Shankar Das(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 16-03-2016

Heard learned counsels for the parties.

Both the matters have been listed under the heading ‘To Be Mentioned’ in view of the order passed in Cr. Misc. No. 48591 of 2015.

Petitioners Raja Yadav and Manoj Yadav were granted anticipatory bail vide Cr. Misc. No. 43626 of 2015 by this



court. During hearing of regular bail application of co accused Ramesh Yadav (Cr. Misc. No. 48591 of 2015) a co-ordinate bench of this court noticed that the submission was made that except section 379 IPC all other offences are bailable including the offence under section 3(1)(x)(xi)(xii) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act hence notices were issued to petitioners Raja yadav and Manoj Yadav as to why their privilege for anticipatory bail be not cancelled.

Learned counsel for the petitioners filed show cause on behalf of the above petitioners which is at Flag B. It is submitted that the case was registered under sections 341,323,379, and 354(A)/34 IPC along with section 3(1)(x)(xi)(xii) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act but except offence under section 379 other alleged offences under IPC are bailable and the accusation does not constitute any offence under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. It is further submitted that the parameter of grant of regular bail and consideration of the ground of its cancellation is quite different. It is not the case that the petitioners misused the privilege of bail or they have concealed any material fact. It is only due to inadvertence that the submissions of the counsel for the petitioners were recorded wrongly. The purport of the submission was that only non bailable

offence under the IPC was that of section 379 but it was not correctly recorded in the order, as a result it gave a wrong impression that the submission was made that the offence under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act are also bailable.

Accordingly, the show cause filed in Cr. Misc. No. 43626 of 2015 by petitioners Raja yadav and Manoj Yadav is accepted.

In the circumstances the order dated 14.10.2015 passed in Cr. Misc. No. 43626 of 2015 is modified to the extent that in the 4th paragraph of the order the submission recorded to the effect that “except section 379 IPC all other offences are bailable including the offence under Section 354(A) IPC” be read as “except Section 379 IPC other offences alleged under IPC are bailable”.

So far as petitioner Ramesh Yadav is concerned, he is languishing in custody since 26.8.2015 in a case under sections 341,323,379, and 354(A)/34 IPC along with section 3(1)(x)(xi)(xii) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act .

The prosecution case is that on 14.7.2015 at 7.00

P.M. the informant went to ease out when Raja, Manoj and the petitioner Ramesh yadav attempted to ravish her and tore her sari and blouse. On alarm being raised by the informant the accused persons assaulted the informant and escaped from the scene after snatching gold ear ring.

Learned counsel for the petitioner Ramesh Yadav submits that the accusation is omnibus and general. There is no medical report on record and due to petty dispute the accusation has been levelled. The occurrence did not take place in public view. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. More over, the investigation has already concluded.

Considering the aforesaid facts, let petitioner Ramesh Yadav be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Danapur in connection with Sigori P.S. Case No. 68 of 2015.

(Dinesh Kumar Singh, J)

Anil/-

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