

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45290 of 2015

Arising Out of PS.Case No. -11523 Year- 2014 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Anish Kumar S/o Ram Ashish Sah
2. Ram Rati Devi Wife of Ramashish Sah
3. Kundan Kumar son of Naresh Sah
4. Manju Devi wife of Naresh Sah
5. Naresh Sah Son of Late Borhan Sah
6. Arbind Kumar Sah son of Hareram Sah
7. Jitendra Kumar Son of Ram Sewak Sah
All resident of village –rusky-kanausi, P.S.-Grahpura, District-
Begusarai.

.... Petitioner/s

Versus

1.State of Bihar
2. Ashok Kumar Sada, Son of Late Dhoro Sada, resident of village and P.O.
– Parna, P.S. – Neema Chand Pura, District – **Begusarai.**

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Singh

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 25-02-2016 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Complaint Case No. 11523(c) of 2014 registered for offences punishable under Sections 323, 341, 342, 379 and 504 of the Indian Penal Code and 3(ii) 3(x) 3(xiv) of S.C./S.T. Act.

Learned counsel for the petitioners submits that though a case has been registered under the relevant provisions of the SC/ST Act, the complainant who is said to have lodged the present case is just a stooge in the hands of some co villagers. It is further



submitted that the complainant could not be able to be traced out till date. It is further submitted that the present case was instituted at the behest of certain inimical force within the village and no occurrence took place as alleged in the complaint petition. It is further submitted that no independent witnesses have come forth to support the case of the complainant and the allegation of having used the caste name, thus, also comes under a cloud. Learned counsel for the petitioners further submits that law relating to SC/ST is being misused only to harass the present petitioners.

Considering the nature of allegation made against the present petitioners and that the complainant is not traceable and also because the petitioners save and except one case bearing Garhpura P.S. Case No. 78 of 2012, which too had been lodged against the petitioners as a retaliation of Garhpura P.S. Case No. 77 of 2012 filed by the present petitioners, there is no other criminal antecedent of the petitioners, let the petitioners in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Deopriya Kumar, Judicial Magistrate, 1st

Class, Begusarai in connection with Complaint Case No. 11523(c)
of 2014, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Anjana Mishra, J)

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