

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27561 of 2016

Arising Out of PS.Case No. -152 Year- 2015 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Bhagirath Patel, S/o Late Ram Chandra Patel
 2. Ranjay Patel, S/o Bhagirath Patel
 3. Ranjit Patel, S/o Late Bihari Patel
 4. Bhola Patel, S/o Ram Prasad Patel
 5. Ram Prasad Patel @ Ram Prasad Raut S/o Late Jagarnath Patel
 6. Birendra Patel S/o Ram Prasad Patel.

All R/o village- Nayak Tola P.S.- Harpur, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand

For the Opposite Party/s : Mr. Sri Ram Shankar Das

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

2 04-08-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with a case registered for the offences punishable under Sections 147/148/149/323/504/506/379 of the Indian Penal Code and Section (3)(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioners submits that the allegation under Section (3)(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been brought in only to make the charge graver as against these

petitioners. It is further submitted that earlier also a case of similar nature has been instituted against him by the same parties. He further submits that admittedly the occurrence took place in the private field of the informant and not at a public place. He further submits that the injuries purported to have been inflicted have been found to be simple in nature whereas Bhagirat Patel who is said to have assaulted Bullet Kumar (the brother of the informant), has received one injury which is said to be grievous in nature.

However, considering the history of litigation between the parties and also the fact that injuries purported to have been inflicted have been found to be simple in nature and no case is made out under Section (3)(i)(x) of the S.C.S.T. Act, let the petitioners, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds 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, Raxaul at Motihari, East Champaran, in connection with Adapur (Harpur) P.S. Case No. 152/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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