

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.32129 of 2016**

Arising Out of PS.Case No. -45 Year- 2016 Thana -KANHAULI District- SITAMARHI

- =====
1. Mukesh Sah @ Mukesh Kumar Sah S/o Ramnandan Sah
  2. Saroj Mahto @ Saroj Kumar S/o Bilash Mahto
  3. Pramod Mahto S/o Prasad Mahto
  4. Abhiranjan Mahto @ Abhiranjan Kumar S/o Ramnandan Mahto
  5. Usman Mansoor @ Usman Mansoori S/o Late Pir Mohammad Ansari
  6. Deepak Sah @ Deepak Kumar S/o Manoj Sah
  7. Chandan Sah @ Chandan Kumar S/o Ashok Sah
  8. Ashok Sah @ Ashok Kumar Sah S/o Late Bhikhari Sah
  9. Kitab Mansoor S/o Late Noor Mansoori
  10. Kurban Mansoor @ Md. Kurban S/o Late Pir Mohammad
- All are residents of village Parsa Khurd, P.S.-Kanahauli, Dist.-Sitamarhi

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Ashok Kumar Jha  
For the Opposite Party : Mr. R.P.S. Singh  
For the Informant : Mr. Virendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**  
**ORAL ORDER**

2      26-08-2016      Petitioner no.1 has been arrested, during pendency of this application. Accordingly, this application stands dismissed, as having become infructuous, so far, it relates to petitioner no.1.

Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.

This application, for grant of anticipatory bail, arises out of Kanahauli Police Station Case No. 45 of 2016, disclosing offences under Sections 147, 149, 323, 341, 307, 504, 506, 379,

427 of the Indian Penal Code and Section 3(i) (x) of Schedule Castes/Schedule Tribes Act.

Learned Counsel appearing on behalf of the informant has not been able to convince this Court that an offence under section 3(i)(x) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, is made out, on the basis of allegation, made in the First Information Report, in as much as, there is no allegation that the said occurrence had taken place, within public view.

On reading of the First information Report, it appears, though prima facie, no offence under the provision of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act is made out.

Learned counsel appearing on behalf of the petitioners has submitted that the injuries have been found to be simple, though, the allegation is against 11 named persons and 150 unnamed, of assaulting the informant and others. According to him, the petitioners have been implicated because of local political rivalry.

Considering the submission as above, this application is allowed.

Let the petitioners, above named, in the event of their

arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Kanahauli Police Station Case No. 45 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J.)**

Amit/-

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