

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30361 of 2016

Arising Out of PS.Case No. -10 Year- 2015 Thana -SC/ST District- SHEOHAR

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1. Manoj Mahto S/o Suresh Mahto
2. Jitan Mahto S/o Narayan Mahto
3. Sarvjit Mahto @ Mutkun Mahto @ Lutkun S/o Narayan Mahto
All are resident of village Chhoti Narwara P.S. Tariyani District
Sheohar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

2 05-08-2016 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 147/149/323/341/354/354(A)/504 of the Indian Penal Code and Section (3)(i)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioners submits that there is case and counter case between the parties. So far as the allegations against the petitioners are concerned, no case is made out as there is no independent witness to support the offence. It is further submitted that father of petitioner Nos. 2 and 3 had earlier lodged a case with regard to the same occurrence which has been marked as Annexure-2 to the First Information Report and the present case is only a

counterblast of the said case and the present case has been instituted as an afterthought on the following day with regard to the same occurrence.

Considering the nature of allegations made and that the occurrence did not take place at public view and there are no independent witness to support the prosecution case, let the petitioners above named, 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 Additional Chief Judicial Magistrate, Sheohar in connection with Sheohar SC/ST P.S. Case No. 10 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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