

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31468 of 2016

Arising Out of PS.Case No. -25 Year- 2015 Thana -SC/ST District- MADHUBANI

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1. Ghanshyam Raut, son of Late Lakho Raut
 2. Anish Kumar Raut @ Anish Kumar son of Ghanshyam Raut
 3. Manish Kumar Raut @ Manish Kumar son of Ghanshyam Raut
 4. Ram Babu Raut, son of Dilip Raut
- All are resident of Mohalla- Bara Bazar, Raut Patti, Ward No.5,
P.S.+District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 08-08-2016 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 354(B), 379, 457, 34 of the Indian Penal Code and under Section 3(i)(x)(1) of SC/ST (Prevention of Atrocities) Act registered in connection with Madhubani SC/ST P.S. Case No. 25 of 2015.

3. It is submitted that the petitioners have been falsely implicated and in any event the provisions of the offence under SC/ST Act are not attracted, considering that the alleged occurrence has transpired at the house of Ram Chandra Sharma, and not in public view. The allegation with regard to part of the occurrence having transpired at the chowk was also not in public view as evident from the order of the 1st Additional Sessions

Judge, Madhubani observed on the basis of case diary that the witnesses had only heard about the occurrence. It is submitted that the complainant/informant has been set up by the aforesaid Ram Chandra Sharma who holds an animosity towards the petitioners. The other accusations of penal offences are merely ornamental in nature.

4. Learned APP assisted by learned counsel for the complainant/informant appearing suo motu oppose the anticipatory bail petition.

5. Considering that none of the witnesses appear to have seen the occurrence at the chowk and the later part of the occurrence having transpired at the house of Ram Chandra Sharma being not in public view, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Madhubani, in connection with Madhubani SC/ST P.S. Case No. 25 OF 2015 subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Vikash Jain, J)

Md.
Ibrarul/Chandran

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