

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.423 of 2016

Arising Out of PS.Case No. -170 Year- 2014 Thana -MAHUA District- VAISHALI (HAJIPUR)

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1. Naresh Singh, S/o Raghuni Singh
 2. Ram Pravesh Singh, S/o Raghuni Singh
 3. Umesh Singh S/o Raghuni Singh
 4. Mintu Kumar @ Mintu Das, S/o Mahesh Roy
 5. Surendra Singh, S/o Raghuni Singh

All are resident of Village-Rasulpur, Osty, P.S.- Mahua, Distt -Vaishali at Hajipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 11-01-2016

Heard learned counsel for the petitioners and learned
Special Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection
with Mahua P.S. Case No. 170 of 2014 registered under Sections
147, 149, 447, 341, 323, 509, 307 of the Indian Penal Code and
Sections 4(1)(v), (viii) and (x) of the Scheduled Castes &
Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It is contended that the ingredients of the offences



alleged under Section 3(1)(v), (viii) and (x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not attracted to the facts of the present case. It is further contended that identically situated co-accused Bikky Kumar, Awadhesh Singh, Fakirchand Singh, Bahadur Singh @ Ram Bahadur Singh, Rajdeo Singh and Navin Singh @ Navin Kumar have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.10.2015 passed in Cr. Misc. No. 45733 of 2015. Similarly, Nathuni Singh, Bindeshwar Singh, Suresh Prasad Singh @ Suresh Singh, Sanjeet Kumar Singh @ Sanjeet Singh and Naresh Thakur having identical allegation to that of the petitioners have also been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 02.12.2015 passed in Cr. Misc. No. 54583 of 2015.

Per contra, learned Special Public Prosecutor for the State has opposed the application filed on behalf of the petitioners. He has submitted that there are serious allegations against the petitioners. However, he concedes that the case of the petitioners stand on identical footing to that of other co-accused who have already been granted anticipatory bail.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below

within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 170 of 2014 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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