

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57776 of 2015

Arising Out of PS.Case No. -552 Year- 2015 Thana -BHABHUA District- BHABHUA (KAIMUR)

1. Guddu Mishra @ Prakash Chandra Mishra
2. Nanhe Mishra @ Bipi Chandra Mishra Both sons of Ram Ayodhya Mishra resident of village - Machhalpur, P.S. - Sonhan, Dist. - Kaimur.
..... Petitioner/s

Versus

1. The State of Bihar.
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kulanand Jha
For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-04-2016 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 341/323/504/307/120B/34 of the Indian Penal Code and Section 27 of the Arms Act and also Section 3(I)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioners submits that the present case has been lodged on the ground of dirty village politics and the provisions of Section 3(I)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 will not be attracted. It is further submitted that actually there was no case pending between the parties as has been alleged in the First Information Report. Furthermore, it appears that there is no injury

report on record.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that though some of the villagers have stated that there was some dispute between the parties but there is no cogent evidence to substantiate the allegation and there was a case pending between them. It has also been submitted that the case is pending against one Rama Kant Mishra and others and not against these petitioners.

Considering the aforementioned facts and circumstances and that the petitioners are having no criminal antecedent, save and except the present 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 Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabhua (Sonhan) P.S. Case No. 552 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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