

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6649 of 2016

Arising Out of PS. Case No. -110 Year- 2014 Thana -PIPRA District- EASTCHAMPARAN
(MOTIHARI)

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1. Om Prakash @ Ajay Son of Late Bhup Naraian Prasad,
2. Nishi Devi, W/o Om Prakash @ Ajay
Both Resident of Village - Mathurapur, P.S. - Pipra, District - East
Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Tiwari, Advocate

For the State : Mr. Ambika Bhagat, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 12-04-2016 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 314 and 315/34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act registered in connection with Pipra P.S. Case No. 110 of 2014.

3. It is submitted that the petitioners have been falsely implicated and the accusation of doing any medical work is denied. The accusation in the complaint is not made specific and which of the accused persons administered injection has not specifically been mentioned in the complaint. The complaint has been filed after inordinate delay on 03.04.2014 for the alleged

occurrence of 19.03.2014. It is further submitted that the accusations under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act are not attracted having been made by the complainant/informant rather than her husband who is said to have been abused and that too not in public view.

4. Learned APP for the State on the basis of the case diary submits that the informant has reiterated the accusations against the petitioners.

5. Having regard to the entirety of the facts and circumstances of the case, 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Pipra P.S. Case No. 110 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:-

(i) Petitioner No. 2 will be well represented on each and every date and if she fails to do so on two consecutive dates, her bail bonds will be liable to be cancelled by the Court

concerned;

(ii) Petitioner No. 1 shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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