

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33164 of 2016

Arising Out of PS.Case No. -38 Year- 2016 Thana -SIDHWALIA District- GOPALGANJ

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1. Amerika Thakur Son of Kailash Thakur
 2. Om Prakash Thakur Son of Kailash Thakur
 3. Hareram Thakur Son of Brij Mohan Thakur
 4. Ramesh Thakur Son of Brij Mohan Thakur
 5. Parmeshwar Thakur Son of Mukti Thakur
 6. Anil Thakur Son of Dhrup Thakur
 7. Rikhdeo Thakur @ Rikhideo Thakur Son of Janak Thakur
 8. Sanjay Thakur Son of Rikhdeo Thakur
 9. Guddu Thakur Son of Rikhdeo Thakur null
 10. Bablu Thakur @ Bablu son of Deochand Thakur
 11. Birendra Thakur Son of Satydeo Thakur
 12. Kundan Thakur Son of Mandeo Thakur

All R/O Village- Baghwar, P.S.- Sidhwalia, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ram Shankar Das, Special PP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioners and

learned Special PP for the State.

Petitioners apprehend arrest in connection with

Sidhwalia P.S. Case No. 38/16 for offences alleged under Sections

147, 148, 149, 341, 323, 307, 324, 325, 379, 504 of the Indian

Penal Code and under Section 3(x) of the SC/ST (Prevention of

Atrocities) Act.

The prosecution case, as lodged by the



informant, is that his brother Madan Baitha was contesting an election and his nephew Nawlesh Baitha was going to cast his vote, in the meantime, one person came to cast bogus vote, which resulted an altercation between both the parties and the petitioners along with co-accused Parma Thakur assaulted the informant side with *lathi*, *bhala* and the co-accused Parma Thakur took caste name.

It has been submitted by the learned counsel for the petitioners that there is no allegation against these petitioners of having taken caste name, as such, Section 3(x) of the SC/ST (Prevention of Atrocities) Act is not applicable against them. He further submits that regarding the same incident on the same day a counter-case has been lodged by the petitioners side bearing Sidhwalia P.S. Case No. 39/16 in which both the parties had received injuries. He submits that the injuries on the informant side is simple in nature caused by hard blunt substance, except on one Bidya Baitha in which the report is reserved but the injury has not been found to be on the vital part of the body. It has further been submitted that the informant side have all been granted the privilege of anticipatory bail by the court below itself and that petitioners have no criminal history, as is evident from paragraph 3 of this petition. It is submitted that the petitioners have falsely

been implicated in the aforesaid case because of the on-going panchayat election and both sides being inimical to each other.

However, learned Special PP for the State submits that the petitioners are named in the First Information Report and one of the co-accused Parma Thakur has been alleged to have taken caste name, hence, opposes the prayer for bail.

Be that as it may, since there is case and counter-case and the petitioners have not been alleged to have taken caste name, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released 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 learned Additional Chief Judicial Magistrate-VIII, Gopalganj in connection with Sidhwalia P.S. Case No. 38/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Rajesh/-

(Nilu Agrawal, J.)

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