

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23668 of 2016

Arising Out of PS.Case No. -24 Year- 2015 Thana -SC/ST District- BHAGALPUR

- =====
1. Sindhu Sharma, S/o Late Laxmi Sharma
 2. Sone Lal Sharma, S/o Late Mishri Sharma
- Both residents of village - Raipur, P.S. - Bihpur/Bhawanipur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das (Spl. APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-08-2016 Heard learned counsel for the petitioners and learned Special Public Prosecutor for the State.

Petitioners apprehend arrest in connection with Naugachhia SC/ST P.S. Case No. 24/15 for offences alleged under Sections 341, 323, 324, 504, 506/34 of the Indian Penal Code and under Sections 3(i)(x) of the SC/ST (Prevention of Atrocities) Act.

Allegation is that the petitioners were ploughing the field of the informant with a tractor and when the informant made protest petitioners assaulted him with *lathi*, *danda* and abused him with filthy words by calling his caste name.

It has been submitted by the learned counsel for the petitioners that they are innocent and have committed no



offence. He submits that the matter relates to land dispute and no offence under the SC/ST (Prevention of Atrocities) Act is made out against them. He further submits that the petitioners have no criminal history, as is evident from paragraph 3 of this petition and although they were on police bail under Section 41(1) Cr.P.C. but since after investigation charge-sheet has been submitted against them they apprehend arrest. He brings to my notice the case of Mahendra Prasad Singh Vs. The State of Bihar, since reported in 2004(3) PLJR 491 decided on 12.04.2004 in Cr. Misc. No. 7034 of 2004 on the proposition that if a person is already on police bail, such privilege be not ordinarily denied unless there is allegation of any misuse of bail. It has further been submitted that the petitioners have not misused the privilege of police bail ever before.

However, learned APP for the State submits that the petitioners are named in the First Information Report and finding the case to be true, charge-sheet has also been submitted against them, hence, opposes the prayer for bail.

Be that as it may, in case petitioners appear before the court below within a period of eight weeks from today then the court shall consider their prayer for bail in the light of the proposition laid down in the case of Mahendra Prasad Singh

(supra) considering the fact that the petitioners were already on police bail.

With the observation aforesaid, this petition is disposed of.

(Nilu Agrawal, J.)

Rajesh/-

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