

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5252 of 2016

Arising Out of PS.Case No. -73 Year- 2015 Thana -SC/ST District- SITAMARHI

- =====
1. Manoj Sah
 2. Santosh Sah @ Santosh Kumar
 3. Arun Sah All sons of Ram Sewak Sah
 4. Ram Sewak Sah son of Narayan Sah All R/o Village- Barharwa, P.S.- Dumra, District- Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 26-02-2016 Heard learned counsel for the petitioners and

learned Special P.P. for the State.

Learned counsel for the petitioners submits that
petitioner no.4, Ram Sewak Sah has since been arrested as
such this application as against him has become infructuous.

Petitioners apprehend their arrest in connection
with Sitamarhi SC/ST P.S. Case No.73 of 2015 registered for
offences punishable under Sections 341, 323, 324, 307, 379,
427, 448 and 504/34 of the Indian Penal Code and Sections
3(i) (x) (xi) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case is that one Bishwanath Ram
submitted a written report on 20.10.2015 for an occurrence of

19.10.2015 alleging therein that on 19.10.2015 at 8:30 am the son of the informant namely, Uday Kumar went to the shop of the accused Manoj Kumar Sah for purchasing biscuit who touched some articles of the shop for which he started abusing him disclosing his caste name and then assaulted the son of the informant. It is further alleged that the informant went to his shop as asked as to why he assaulted his son upon which the accused Manoj Sah, his full brother (2) Santosh Sah, (3) Arun Sah and (4) Ram Sewak Sah came at the shop and started abusing him and when the informant objected, then they assaulted by means of fists, slaps and lathi and any how he managed to escape from, the place of occurrence and then they entered into his courtyard and also assaulted his daughter, son and others by means of Sickle and also torn blouse of his wife and the accused Arun Sah took out nose pin from the wife of the informant and a golden mangal sutra and due to arrivals of several persons they were saved and they were brought to Primary Health Center where they were treated and came back. It is further alleged in the first information report that on 20.10.2015 at 6:00 am in the morning all the accused persons entered into his house and abused him and assaulted him and threatened him.





It has been submitted by the learned counsel for the petitioners that they are innocent and have committed no offence. They do not have any criminal history as is evident from paragraph-3 of this petition. In fact, a counter version bearing Dumra P.S. Case No.280 of 2015 has been lodged by the informant's side prior to the present case and just as an after thought the petitioners have been falsely implicated.

The learned counsel for the petitioners further contends that there is some land dispute and demarcation of the property for which the petitioners have been falsely implicated. The counsel for the petitioners submits that no case under Section 307 of I.P.C. or under the S.C./S.T. Act is made out against them and both sides received injury.

However, learned A.P.P. for the State submits that the petitioners are named in the F.I.R. and opposes the prayer for bail.

Be that as it may, let the petitioners 1 to 3, 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 only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,

Sitamarhi in connection with Sitamarhi SC/ST P.S. Case
No.73 of 2015, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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