

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7952 of 2016

Arising Out of PS.Case No. -46 Year- 2014 Thana -AMBA District- AURANGABAD

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1. Ajay Tiwari S/o late Adhani Tiwari
 2. Bishram tiwari S/o Alakh Tiwari
 3. Janeshwari tiwari@Janeshwar Tiwari S/o Alakh Tiwari
 4. Jhunna Tiwari S/o Naresh tiwari All are resident of Village- Sonbarsa, Dihari P.s Ambar District Aurangabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr.Adv.
Mr. Mithilesh Kr. Singh, Adv.

For the Opposite Party/s : Mr. Dilip Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 08-04-2016 Heard learned counsel, appearing on behalf of the petitioners, and the learned Addl. Public Prosecutor, appearing on behalf of the State.

 This application for grant of anticipatory bail arises out of Amba P.S.Case No. 46/2014, disclosing offences under sections 447, 341, 323, 504/34 of the Indian Penal Code and section 3(i)(x) of the SC/ST Act.

 Learned Senior counsel, appearing on behalf of the petitioners, submits that no offence under section 3(i)(x) of the SC/ST (Prevention of Atrocities) Act is made out in absence of any allegation that the occurrence took place within a public view. He further submits that pendency of a civil suit relating to civil

dispute between the parties is the reason behind institution of the present false criminal case. He also submits that there is unexplained delay in lodging of the First Information Report, inasmuch as for an occurrence said to have taken place on 25.6.2014 the F.I.R. was lodged on 28.6.2014.

Considering the nature of dispute and the accusation against the petitioners, this application is allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad in Amba P.S.Case No. 46/2014, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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