

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11346 of 2016

Arising Out of PS.Case No. -40 Year- 2015 Thana -SC SC PS District- VAISHALI(HAJIPUR)

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1. Shiv Kumari Devi, W/o Sahedeo Rai
2. Ram Nath Bhagat, S/o Ram Shresth Bhagat,
Both resident of Village- Davaich, P.S.- Tisiauta, Dist. Vaishali
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

Appearance :

For the Petitioner : Mr. Niraj Kumar, Advocate
For the Opposite Party : Mr. Ram Anurag Singh(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 05-05-2016 Heard learned counsel for the petitioners and the

learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with SC/ST P.S. Case No.40 of 2015 for allegedly having committed the offences under Sections 341, 323, 504, 379/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the petitioners submits that the entire allegation is false and frivolous and the provision of Section 3(i)(x) of the S.C./S.T. Act has been brought in only to make the charge graver. It is further submitted that actually Petitioner No.1 had instituted a case against the Mukhiya of the village, namely, Birendra Rai, on 24.2.2015. The present

informant is nothing but tool of the said Mukhiya, who has levelled false allegation against the petitioners. The charge of using caste name against the petitioners is unfounded as there is no independent witness nor is there any specific allegation against petitioner No.2.

Considering the entire facts and circumstances of the case and also because the petitioners have no criminal antecedents and that there is no independent witness to support the allegation made under Section 3(i)(x) of the S.C./S.T. Act, let both the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 the learned Additional Chief Judicial Magistrate, Vaishali at Hajipur, in connection with SC/ST P.S. Case No.40 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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