

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12698 of 2016

Arising Out of PS.Case No. -54 Year- 2014 Thana -SC/ST District- ARRARIA

- =====
1. Gauri Shankar Yadav, Son of Late Diro Yadav
 2. Shanti Devi, Wife of Gauri Shankar Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Ambika Bhagat(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 18-03-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323, 341, 354, 427, 448, 504/34 of the Indian Penal Code and 3(1)(ix)(xi) of SC/ST (Prevention of Atrocities) Act.

The prosecution case is that the accused persons abused the informant and informant and her son by calling caste name when on the order of co-accused Vivekanand the petitioners and others assaulted the informant and her son when the sister of the informant came to rescue she was also assaulted and co-accused Vivekanand pulled her sari.

It is submitted by learned counsel for the petitioners that the specific overt act has not been alleged against

the petitioners. The specific accusation is against Vivekanand and on conclusion of the investigation Vivekanand has not been sent up for trial, though, the petitioners have been charge-sheeted.

Considering the nature of accusation and the fact that the main assailant has not been sent up for trial, it is a case for consideration of prayer for regular bail, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Araria (SC/ST) P.S. Case No. 54 of 2014 pending in the court of learned Additional Chief Judicial Magistrate-II, Araria.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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