

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14766 of 2016

Arising Out of PS.Case No. -419 Year- 2015 Thana -GAYA MUFFSIL District-
GAYA

- =====
1. Mukesh Yadav, son of Munarik Yadav.
 2. Dharmendra Yadav, son of Munarik Yadav.
 3. Bachhu Yadav, son of Prakash Yadav @ Pragash Yadav.
 4. Prakash Yadav @ Pragash Yadav, son of Ramdhani Yadav.
 5. Rampati Yadav, son of Prakash Yadav @ Pragash Yadav.
- All residents of village - Jamuawama, P.S. - Mufasil, District
- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Adv.
For the State : Mr. Sadanand Paswan (APP)
For the Informant : Mr. Manish Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 03-05-2016 Heard learned counsel for the petitioners,
learned Additional Public Prosecutor for the State and
learned counsel appearing on behalf of the informant.

This application, for grant of anticipatory bail,
arises out of Mufasil P.S. Case No.419 of 2015, disclosing
offences under Sections 341, 323, 354 and 504/34 of the

Indian Penal Code and Sections 3 (i) (ii) and 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the petitioners has submitted that no offence, under Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is made out against these petitioners, as there is no allegation that the occurrence took place within public view. He has further submitted that institution of the present case is out of vengeance and a counter blast of earlier case, lodged by the side of the petitioners, bearing Mufasil P.S. Case No.418 of 2015. It has also been submitted that the petitioners have no criminal antecedent and there is no chance of their absconding from the course of investigation or trial.

Learned counsel, appearing on behalf of the informant, on the other hand, has opposed the prayer for anticipatory bail and has contended that since case, under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is made out, there being bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, this application should not be entertained.

Upon perusal of the First Information Report, I am of the, *prima facie*, view that strictly speaking, offence,

under Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is not made out, as it has not been alleged that the occurrence took place within public view.

Considering the rival submissions advance on behalf of the parties and the facts and circumstances of the case, this application is allowed. Let the petitioners, abovenamed, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Gaya**, in connection with **Mufasil P.S. Case No.419 of 2015**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners, abovenamed, 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.)

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