

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19377 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -SC/ST PS District-
EASTCHAMPARAN(MOTIHARI)

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Awanish Kumar Mishra S/O Atindra Mishra Resident of village- Chailaha,
P.S.- Banjariya, District- East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 19-05-2016 Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out of
SC/ST Motihari P.S.Case No. 02/2016, disclosing offences under
sections 147, 148, 451, 323, 504 of the Indian Penal Code and
section 3(i)(v)(x) of the SC/ST Act.

Learned counsel for the petitioner submits that a title suit
between the parties, bearing T.S.No. 498/2010, is pending in the
court of Sub-Judge, Motihari. It has further been submitted that no
offence under the provision of Scheduled Caste and Scheduled
Tribe (Prevention of Atrocities) Act is made out as there is no
allegation that the occurrence took place within the public view. It
has further been submitted that the allegation in the F.I.R. is

completely false.

Considering the genesis of occurrence and the nature of accusation, this application is allowed.

Let the petitioner, abovenamed, in the event of his 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) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari in SC/ST Motihari P.S.Case No. 02/2016, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

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

(Chakradhari Sharan Singh, J)

Surendra/-

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