

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27690 of 2016

Arising Out of PS.Case No. -25 Year- 2016 Thana -ASAWAN District- SIWAN

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1. Shri Niwas Ojha Son of Late Rama Shankar Ojha
2. Abhishek Ojha @ Abhishek Kumar Ojha Son of Shri Niwas Ojha
Both Residents of village - Babhnauli, Police Station - Ashaw,
District – Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Sri Ambika Bhagat, (Spl. PP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 04-08-2016 Heard learned counsel for the petitioners and learned
Special P.P. for the State.

The petitioners apprehend their arrest in connection with a case registered for the offences punishable under Sections 341/323/384/34 of the Indian Penal Code and Section (3)(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioners submits that entire case has emanated out of a civil dispute and as the petitioners had filed a case for getting the lands registered in their name. It is submitted that on filing of the title suit, the informant became belligerent and carved out the present false case. He further submits that though

there is allegation, the petitioners had, in fact, attacked on public road and assaulted with hands and fists and demanded *Rangadari*, there is no independent witness to support the same. He further submits that thus the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 could not be attracted.

Learned Special P.P. appearing on behalf of the State submits that the present petitioners have participated in the occurrence and attacked the complainant and demanded ransom from them.

However, learned Special P.P., appearing on behalf the State, is unable to explain as to why the occurrence which took place on 9th of December, 2015, the case could not be registered thereafter, but it appears that the case was filed only in the month of March, 2016 and that the delay in lodging the complaint petition has also not been explained in the body thereof.

In view of the aforementioned facts and circumstances, let the petitioners above named, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged 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

Judicial Magistrate, Siwan, in connection with Ashaw P.S. Case
No. 25 of 2016, subject to the conditions as laid down under
Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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