

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27861 of 2016

Arising Out of PS.Case No. -139 Year- 2013 Thana -SC/ST P.S. District- MUZAFFARPUR

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1. Shambhu Rai, son of Kailash Rai
 2. Anirudh Rai, son of Kailash Rai
 3. Kailash Rai son of Late Mahipat Rai
- All are resident of Village-Dheriya, P.S.- Minapur,
District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 27-09-2016 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 Trial No.39 of 2016, arising out of Muzaffarpur S.C. & ST P.S. Case No.139 of 2013, registered for the offences under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code and Section 3(1)(x) of the S.C. & S.T. Act.

Learned counsel for the petitioners submits that the entire case is false and fabricated and the provisions of Section 3(1)(x) of the S.C. & S.T. Act has been brought in to make the charge graver. It is further submitted that the present case has been lodged only to take wreak vengeance on the petitioners as

there was a land dispute between the parties. It is further submitted that there is no independent witness to the occurrence and, therefore, the charge under Section 3(1)(x) of the S.C. & S.T. Act is not made out.

Considering the nature of allegations made against the petitioners and that no case is made out under Section 3(1)(x) of the S.C. & S.T. Act, let all the three 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, Muzaffarpur, in connection with Trial No.39 of 2016, arising out of Muzaffarpur S.C. & ST P.S. Case No.139 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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