

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31843 of 2016

Arising Out of PS.Case No. -7 Year- 2015 Thana -SC/ST District- AURANGABAD

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1. Raju Chouhan, S/o Munilal Chouhan.
 2. Amit Chouhan alias Amit Kumar s/o Umesh Chouhan.
 3. Umesh Chouhan, S/o Bhagwat Chouhan.
 4. Bhola Chouhan s/o Mukhlal Chouhan.
 5. Om Prakash Chouhan, S/o Bhola Chouhan
- All are Resident of Village- Jankop, P.S.- Barun, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Sri Ambika Bhagat

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 24-08-2016 Heard Sri Shailesh Kumar Singh, learned counsel for
the petitioners and Sri Ambika Bhagat, learned A.P.P.

Five petitioners, apprehending their arrest in SC/ ST
P.S. Case No. 7 of 2015, Sadar Aurangabad registered for the
offence under section 147, 341, 323 , 504, 506, 379 of the Indian
Penal Code and section 3(i) (x) of the Schedule Castes &
Schedule Tribes (Prevention of Atrocities) Act , have prayed for
grant of anticipatory bail.

It was submitted by learned counsel for the petitioners



that the present case was instituted falsely by the informant since against the husband of the informant and other accused persons from the petitioners' side an F.I.R. vide Barun P.S. Case No. 50 of 2015 was registered for offence under section 307 and other allied sections of the Indian Penal Code. By way of referring to Annexure- 2 to the petition learned counsel for the petitioners submits that the husband of the informant was arrayed as accused no. 5 in Barun P.S. Case No. 50 of 2015. Since the informant's side were aggressors an F.I.R. was lodged from the petitioners side. After lapse of about three days, the present case was lodged that too in Aurangabad whereas in the F.I.R. the place of occurrence has been shown as Barun. He further submit that in the F.I.R. itself the informant has said that whatever abusive language with cast name was taken by the accused persons same was uttered inside the house of the informant.

Learned A.P.P. has opposed the prayer for grant of anticipatory bail.

Keeping in view the fact that on 5.4.2015 itself from petitioners' side an F.I.R. was lodged against the husband of the informant of the present case and other accused persons for offence under section 307 of the Indian Penal Code and the fact that informant herself has disclosed that whatever she was

abused with her cast name was abused inside her house. Certainly there is probability of false implication. Accordingly it is a fit case for granting anticipatory bail.

Accordingly in the event of arrest or surrender within a period of six weeks from today, let the aforesaid five petitioners namely Raju Chouhan, Amit Chouhan alias Amit Kumar , Umesh Chouhan, Bhola Chouhan and Om Prakash Chouhan be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad / concerned court in connection with SC/ST P.S. Case No. 7 of 2015, Sadar Aurangabad subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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