

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30903 of 2016

Arising Out of PS.Case No. -6 Year- 2015 Thana -SC/ST District- JEHANABAD

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1. Nawal Yadav son of Mahendra Yadav
 2. Mithlesh Yadav @ Mithlesh Prasad son of Mahendra Yadav.
 3. Mahendra Nath Yadav son of Yugal Yadav.
 4. Arvind Yadav son of Mahendra Yadav All resident of Village Maraila, P.S. Mehendra District Arwal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Opposite Party/s : Mr. Ambika Bhagat

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 23-08-2016

Heard both sides.

The petitioners are apprehending their arrest in connection with Arwal SC/ST P.S. case no. 6 of 2015, registered under Sections 341,323, 337 and 504/34 of the IPC as also under the diverse penal provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short ‘the Act’).

While the informant was grazing his buffalo he was informed that the house inmates were being assaulted by the petitioners. He rushed to the house to find few persons in the family having been assaulted by the accused persons. The

allegation further is that they set the house on fire.

Contention of the petitioners is that the motive for the occurrence is stated in the FIR itself. On account of land dispute between the parties, the occurrence has taken place. In relation to the occurrence which occurred on the same date, petitioner no.2 had filed a criminal case against the prosecution side including the informant under Section 307 of the IPC alleging that the prosecution side had intruded into the house and assaulted several inmates. It is further stated that there is no allegation in the FIR which would constitute offence under the Act. Referring to Annexure-4 to the supplementary affidavit, it is stated that accuseds in the counter case have been privileged with anticipatory bail.

Considering the facts and circumstances of the case, I am inclined to grant privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, 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 A.C.J. M., Arwal in connection with Arwal SC/ST P.S. case no. 6 of 2015, subject to the condition as laid down under Section 438 (2) of the

Cr.P.C. with the further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioners.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law

(Kishore Kumar Mandal, J)

Shyam/-

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