

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35489 of 2016

Arising Out of PS.Case No. -53 Year- 2015 Thana -SC/ST District- SAHARSA

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1. Chandan Kumar @ Shankar Sah
 2. Kundan Kumar @ Kundan Kumar Sah
 3. Nandan Kumar
All sons of Yogendra Sah
 4. Rahul Kumar son of Satyanarayan Ray
All are residents of Mohalla- Sarahi, Ward No. 5, P.S. +District- Saharsa
 5. Kishor Sah Son of Late Shital Sah
 6. Shiv Shankar Kumar
 7. Ravi Shankar Kumar
Both sons of Kishor Sah All (5 to 7) are resident of Mohalla- Ward No.8,
Sarahi (Sahu Bhawan), P.S. + District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 19-09-2016 Heard the Counsel for the petitioners and the APP

for the State.

After making submissions at some length, Counsel

for the petitioners seeks permission of the Court to withdraw the

application insofar as petitioner no. 1 namely Chandan Kumar @

Shankar Sah is concerned.

The application is permitted to be withdrawn so far

as petitioner no. 1 is concerned. He shall surrender and seek bail.

Rest of the accuseds are said to have arrived at the

scene and gave thrashing to the informant. It is also alleged that

some government papers were taken. The petitioners are made accused under sections 147, 149, 341, 323, 353, 504, 379 and 506 of the Indian Penal Code and Section 3(i)(x) of the SC/ST (Prevention of Atrocities) Act.

It is stated after placing the F.I.R. that the allegation of abusing in the name of caste has been only attributed to petitioner no. 1. All the petitioners are closely related and owing to scuffle on small issues, the occurrence is said to have been committed. They have absolutely clean antecedent.

Considering the facts and circumstances of the case, I direct that in the event of arrest or surrender in the Court below within four weeks, the petitioner nos. 2 to 7 abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in Saharsa SC/ST P.S. Case No. 53 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 bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case

of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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