

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28327 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -SC/ST BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Shankar Soni son of Late Jaleshwar Soni
2. Munna Soni son of Shankar Soni
Both are residents of Mohalla - Purani Bazar Ramnagar, Police Station -
Ramnagar, District - West Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Sri Ambika Bhagat

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 26-07-2016 Heard Sri Sanjay Kumar No. 7, learned counsel for
petitioners and Sri Ambika Bhagat, learned Addl. Public
Prosecutor.

Two petitioners, who are father & son respectively
have approached this Court apprehending their arrest in Bagaha
SC/ST P.S. Case No. 01 of 2016 registered for the offence under
Sections 341, 323, 379, 504 & 34 of the Indian Penal Code and
Section 3(i)(x)(xi) of the Scheduled Castes and the Scheduled
Tribes (Prevention of Atrocities) Act, 1989 (in short “SC/ST
Act”), have prayed for grant of anticipatory bail.

At the very outset, it was submitted by learned
counsel for petitioners that ofcourse, in the F.I.R., an allegation



has been made to show commission of offence under the provision of SC/ST Act, but on perusal of F.I.R., it appears that said allegation was only ornamental and it has been made with a view to restrain the petitioner from obtaining anticipatory bail. He submits that in the F.I.R. itself, it was alleged that date of occurrence was 15-01-2016, whereas, F.I.R. was lodged on 27-01-2016. He submits that subsequently after the occurrence, since the informant was a tailor master, dispute in between the parties has been settled outside the court and compromise petition has also been filed. On aforesaid ground, a prayer has been made for granting anticipatory bail.

Sri Ambika Bhagat, learned Addl. Public Prosecutor has opposed the prayer for bail.

However, after hearing the parties and considering the facts and circumstances, particularly the fact that F.I.R. was lodged much belatedly and allegation appears to be not probable, the Court is inclined to extend the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let both the petitioners namely Shankar Soni and Munna Soni 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 learned Sub Divisional

Judicial Magistrate, Bagaha, West Champaran in connection with
Bagaha SC/ST P.S. Case No. 01 of 2016, subject to condition as
laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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