

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31899 of 2016

Arising Out of PS.Case No. -436 Year- 2014 Thana -AHIAPUR District- MUZAFFARPUR

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1. Mohan Rai, son of Shivji Rai
 2. Lal Babu Rai, son of Shivji Rai
 3. Mishri Rai, son of Ruplal Rai
 4. Ram Chandra Rai, son of Ram Autar Rai

All are residents of village- Chak Mohmmad, P.S.- Ahiyapur,
District- Muzaffarpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 29-08-2016

Heard Sri (Dr.) Alok Kumar, learned counsel, who
was assisted by Sri Hans Lal Kumar, learned counsel for the
petitioners and learned Addl. Public Prosecutor.

Four petitioners, apprehending their arrest in
Ahiyapur P.S. Case No.436/2014 registered for the offence under
Sections 448, 341, 323, 307, 504/34 of the Indian Penal Code and
Section 3(1)(x) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act (hereinafter referred to as the
“SC/ST Act”), have prayed for grant of anticipatory bail.

It was submitted by learned counsel for the
petitioners that the present F.I.R. was lodged as a counter blast to



the F.I.R. , which was lodged by the petitioners' side. By way of referring to Annexure-2, learned counsel for the petitioners submits that from the petitioners' side, an F.I.R. vide Ahiyapur P.S. Case No.433/2014 was lodged on 10.08.2014 registered for the offence under Sections 143, 341, 323, 436, 354,379 of the Indian Penal Code and one day after the said F.I.R. , the present F.I.R. i.e. Ahiyapur P.S. Case No.436/2014 was got registered on 11.08.2014. By way of referring to F.I.R., learned counsel for the petitioners submits that offence under SC/ST Act is not made out from the F.I.R. itself.

Besides hearing learned counsel for the parties, I have also perused the materials on record. On perusal of the F.I.R. the Court is of the opinion that there is some doubt regarding commission of offence under SC/ST Act. It is also evident from the record that one day prior to lodging of the present F.I.R. an F.I.R. was lodged by the petitioners' side for serious offences.

In view of facts and circumstances, let four petitioners, namely, (i) Mohan Rai (ii) Lal Babu Rai (iii) Mishri Rai and (iv) Ram Chandra Rai, in the event of their arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial

Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case
No.436/2014, subject to conditions as laid down in Section 438 of
the Code of Criminal Procedure.

(Rakesh Kumar, J)

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