

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32043 of 2016

Arising Out of PS.Case No. -181 Year- 2015 Thana -ALAMNAGAR District- MADHEPURA

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1. Shambhu Sah Son of Basudeo Sah.
 2. Wakil Sah son of Basudeo Sah.
 3. Anirudh Sah Son of Rajendra Sah.
 4. Pappu Sah Son of Rajendra Sah.
 5. Dilip Sah Son of Rajendra Sah.
 6. Santosh Sah Son of Kailu Sah.
 7. Sulen Sah son of Asharfi Sah.
 8. Naresh Sah Son of Rajendra Sah.
 9. Deepak Sah son of Ashok Sah.
 10. Basudeo Sah son of Late Uchit Sah.

All are residents of Village- Akha (Bispatti), P.S Alamnagar, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 30-08-2016 Heard Sri Dinesh Prasad Verma, learned counsel for

the petitioners and Sri Sadanand Paswan, learned Additional

Public Prosecutor.

Ten petitioners who are members of one family have
approached this court with a prayer to grant bail in the event of

their arrest in Alam Nagar P.S. Case No. 181 of 2015 registered for the offence under section 341/ 323/ 147 of the Indian Penal Code and Section 3(I)(IV), 3(I)(X) of the Scheduled Castes & Schedules Tribes (Prevention of Atrocities) Act.

It was submitted by learned counsel for the petitioners that of -course in the F.I.R. allegation has been made regarding commission of offence under the provisions of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act , on perusal of the F.I.R. it is evident that offence under the said provision is not at all made out. He submits that the allegation under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act is ornamental. He further submits that from the F.I.R. it is evident that on the basis of *purcha* the informant tried to grab the land of the petitioners. He submits that land dispute is already evident from the F.I.R. itself whereas Sri Sadanand Paswan, learned Special Public Prosecutor for the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has opposed the prayer for bail. He submits that during investigation material has been collected to show involvement of the petitioners, however after perusal of the F.I.R. the court is satisfied that there is doubt regarding the application of the provisions of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act in the

present case. Accordingly in the event of arrest or surrender within a period of six weeks from today, let the aforesaid ten petitioners Shambhu Sah, Wakil Sah, Anirudh Sah, Pappu Sah, Dilip Sah, Santosh Sah, Sulen Sah, Naresh Sah, Deeapk Sah and Basudeo Sah 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, Madhepura / concerned court in connection with Alamnagar P.S. Case No. 181 of 2015 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

Praful/-

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