

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23851 of 2016

Arising out of P.S. Case No. - 60 Year - 2016 Thana - BIHTA District - PATNA

1. Uma Singh @ Uma Shankar Singh
2. Deo Shankar Singh,
Both Sons of Late Brij Nandan Singh
3. Umesh Singh @ Umesh Sharma, Son of Late Shyam Saran Singh
4. Rahul Singh, Son of Late Ramanuj Singh
5. Dharendra Singh @ Dharendra Kumar, Son of Late Jagdish Singh
6. Deepak Singh @ Deepak Kumar, Son of Jitendra Singh @ Satyendra Kumar
7. Sanjay Singh @ Sanjay Kumar @ Sanjay Kumar Singh, Son of Late Umesh Singh
8. Shailendra Kumar @ Shalesh Singh, Son of Nawal Singh

All are resident of village - Amhara, P.S. - Bihta, District - Patna

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

With

Criminal Miscellaneous No. 23859 of 2016

Arising out of P.S. Case No. - 60 Year - 2016 Thana - BIHTA District - PATNA

Sunny Singh @ Sunny Kumar, Son of Subodh Singh @ Subodh Kumar, resident of Village - Amhara, P.S. - Bihta, District - Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Kumar Thakur, Advocate
Mr. Nilesh Kumar, Advocate
Mr. Malay Kumar Choudhary, Advocate
For the Opposite Party : Mr. Ambika Bhagat, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 19-07-2016 Heard learned counsel for the petitioners and learned

Special Public Prosecutor for the State.

These applications, for grant of anticipatory bail, arise out of Bihta P.S. Case No. 60 of 2016, disclosing offences under Sections 147, 148, 149, 341, 323, 354, 436, 448 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegedly, First Information Report named persons, who are petitioners in the present application set ablaze, the huts of the informant and several other persons belonging Scheduled Castes.

Learned counsel appearing on behalf of the petitioners has submitted that no trace of burnt item was found at the place of occurrence, in course of investigation which, completely, falsifies the allegation made in the First Information Report. He has also submitted that admittedly, the huts were raised by the informant on Gairmajarua land. Therefore, according to him, no offence, under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is made out.

Learned Special Public Prosecutor representing the State has opposed the prayer and has submitted that considering the gravity of the offence, the petitioners are not entitled to

anticipatory bail.

However, having seen the contents of the First Information Report and considered the submission with reference to contents of the case diary, I am, prima facie, satisfied that no offence, under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is made out.

Accordingly, these applications are allowed. Let the petitioners, above-named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur in connection with Bihta P.S. Case No. 60 of 2016, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Chakradhari Sharan Singh, J.)

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