

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7005 of 2016

Arising Out of PS.Case No. -92 Year- 2015 Thana -SC/ST District- SITAMARHI

- =====
1. Bela Rai son of Late Rajdeo Rai
 2. Ram Kalup Rai son of Late Rajdeo Rai
 3. Khaderan Rai son of Late Rajdeo Rai All residents of village - Buniyadi Tola, P.S. Riga, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ambika Bhagat(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-02-2016

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307 and 504/34 of the Indian Penal Code and Section 3 (I) (X) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case is of assaulting the son of the informant with fists, slaps, shoe and sandal and putting the towel around the neck in order to throttle him when he was rescued by the school teacher and other villagers of the informant and when the informant wanted to proceed at the place of occurrence, the petitioners started abusing by calling caste name and assaulted the informant.

It is submitted by learned counsel for the petitioners that in the background of fight between the students of both sides, the accusation has been levelled when no substantial injury has been caused either to the son of the informant or the informant. For the occurrence of 18.11.2015, the FIR was lodged on 23.11.2015. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

Learned Special Public Prosecutor submits that the occurrence took place in the school premises which is a place of public view.

Considering the nature of accusation coupled with delayed lodging of the case on the basis of written report, it is case for consideration of prayer for regular bail.

Let the learned court below consider the prayer for regular bail of the petitioners if they surrender within a period of six weeks in connection with Sitamarhi SC/ST P.S. Case No. 92 of 2015 pending in the court of learned CJM, Sitamarhi.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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