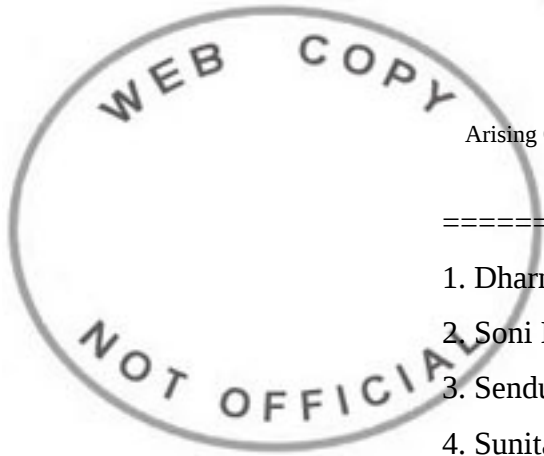




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12138 of 2016

Arising Out of PS.Case No. -198 Year- 2015 Thana -CHIRAIYA District- EAST CHAMPARAN
(MOTIHARI)

- =====
1. Dharmendra Sah, Son of Brahmdev Sah.
 2. Soni Kumar, Son of Dharmendra Sah.
 3. Sendur Devi, Wife of Dharmendra Sah.
 4. Sunita Devi, Wife of Lalu Sah.
 5. Rahul Kumar, Son of Lalu Sah.

All resident of village - Belahi, P.S. Chiraiya, District - East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance:

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat, Special P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 18-03-2016 Heard learned counsel for the petitioners and

learned Special Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection

with Chiraiya P.S. Case No. 198 of 2015 registered under

Sections 447, 341, 323, 354, 379 and 504/34 of the Indian Penal

Code and Section 3(1)(x) of the

Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

It is contended that the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are not applicable to the facts and circumstances of the case, inasmuch as nothing has been committed on the ground that the informant belongs to Scheduled Castes Community. It has further been contended that there is an inordinate delay of two months in institution of the case, as the occurrence is alleged to have taken place on 04.06.2015 whereas the F.I.R. has been instituted on 06.08.2015.

Learned Special Public Prosecutor for the State has opposed then application for grant of pre-arrest bail to the petitioners.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioners, above named, are directed to be released on bail on furnishing a bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Chiraiya P. S. Case No. 198 of 2015 subject the conditions

as laid down under Section 438 (2) of the Code of Criminal Procedure.



Mishra/-

(Ashwani Kumar Singh, J.)

U		T	
---	--	---	--