

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14483 of 2016

Arising Out of PS.Case No. -180 Year- 2015 Thana -TARAIYA District- SARAN

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1. Mukesh Kumar Singh @ Mukesh Kr. Singh son of Jalandhar Singh @ Janardan Singh
 2. Dablu Kumar Singh, son of Tuntun Singh, Both are resident of village- Nandanpur, P.S.- Taraiya, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-04-2016

Heard learned counsel for the petitioners and

learned Special P.P. for the State.

Petitioners apprehend arrest in connection with Taraiya P.S.Case No. 180/2015 for offences alleged under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3 (i) (x) SC/ST Act.

The prosecution case, as lodged by the informant Suganti Devi is that on 30.8.2015 the petitioners assaulted and abused her by taking her caste name due to case lodged by her vide Taraiya P.S. Case No. 122/2014 and when her husband came to rescue her then petitioners also assaulted him by means of fist and slaps, causing injury.

It has been submitted by the learned counsel for the petitioners that the petitioners are innocent having no criminal history and have been falsely implicated due to village politics. It

has further been submitted that only to make the offence more serious provisions of ST/SC Act has been incorporated, which is not applicable in the aforesaid case. It has further been submitted that the petitioners are not concerned with earlier Taraiya P.S.Case No. 122/2014 and the injury report indicates that the injuries caused are simple in nature.

Learned counsel for the petitioners further submits that the F.I.R. has been lodged 48 hours after the time of occurrence and no reason has been assigned for delay in lodging the F.I.R.

Learned Special P.P. for the State, however, submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let the above named petitioners in the event of their arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, -II Saran, Chapra in Taraiya P.S.Case No. 180/2015, subject to the conditions laid down under Section 438 (2) Cr. P. C.

(Nilu Agrawal, J)

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