

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16406 of 2016

Arising Out of PS.Case No. -30 Year- 2015 Thana -SC/ST BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Vinod Kushwaha Son of Late Mathura Kushwaha
2. Pramod Kushwaha Son of Late Mathura Kushwaha
3. Ashok Kushwaha Son of Late Mathura Kushwaha All are Resident of
Village - Rampur (Chheck Nakha), P.S.- Laukaria, District - West
Champaran at Bettiah

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 10-05-2016 Heard both sides.

The petitioners apprehend their arrest in Bagaha S.C.
and S.T. P.S. Case No. 30/2015, registered for the offences
punishable under Section 341, 323, 325, 354(B), 504, 34 and of
the Indian Penal Code and Section 3(i)(x)(xi) of S.C. and S.T
(Prevention of Atrocities) Act.

The informant alleged on 21.06.2015 she went to her
field and saw that she-goat of Lagan Rai was grazing her paddy
crops then she caught the she-goat. Thereafter, Lagan Rai,
Rambha Devi and Madhu Kumari came there and began to abuse
her by naming her caste and also tried to outrage her modesty. It is

alleged that the petitioners were called by them later on and petitioners assaulted the husband of the informant with stick on his leg causing fracture.

It is submitted that police after investigation submitted charge-sheet under Section 323 and other sections of I.P.C. and Section 3(i)(x)(xi) of S.C. and S.T (Prevention of Atrocities) Act. No fracture was found on the leg of husband of the informant. The occurrence took place on 21.06.2015, but the F.I.R. was lodged on 02.07.2015 i.e. after ten days of the occurrence. There is no specific allegation of assault against the petitioners. There are two groups in the village. Other complaint cases and FIR were lodged by the informant making the petitioners accused.

On the other hand, learned counsel for the informant as well as learned A.P.P. vehemently opposes the prayer for bail and submitted that the petitioners also abused the informant. The injury report is not brought on record by the informant.

It is submitted that petitioners have got criminal antecedent and in view of the Section 18 of S.C./S.T. (Prevention of Atrocities) Act, anticipatory bail petition is not maintainable. It appears that the case was lodged after ten days of the occurrence. The informant herself stated that Lagan Rai, Rambha Devi and Madhu Kumari caught her and abused her by naming her caste and

also tried to outrage her modesty. Thereafter the petitioners were called and they are alleged to have assaulted the husband of the informant with stick and omnibus allegation of abuse is made, but fracture was not found on the leg of the husband of the informant. Both the petitioners and informant are on inimical term from before.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri R.K. Singh, learned Judicial Magistrate Ist Class, Bagaha, West Champaran at Bettiah in connection with Bagaha S.C. and S.T. P.S. Case No. 30/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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