

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18981 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -MURLIGANJ District- MADHEPURA

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1. Kamleshwari Sah, S/o Late Bhola Sah
2. Shambhu Sah, S/o Kamleshwari Sah
3. Mohan Sah, S/o Late Jai Kishun Sah @ Jai Kusan Sah
4. Bharti Devi, W/o Shambhu Sah
5. Aarti Devi, W/o Shambhu Sah
6. Ratan Devi, W/o Mohan Sah. All are residents of Village- Baghinia,
Police Station- Murliganj, District- Madhepura. Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. S.D.Singh Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 10-05-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Murliganj P.S. Case No. 81 of 2016, disclosing offences under Sections 341, 447, 323, 354, 379, 504 and 506 of the Indian Penal Code and Section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989.

All the petitioners belong to the same family. The occurrence is said to have taken place when the informant found the petitioner No. 1 digging a ditch in front of the house of the informant. When objected by the informant, petitioner No. 1 is said to have assaulted her. There is vague allegation that the petitioners called her by caste name and abused her.

Learned counsel for the petitioners appears to be right

in his submission that inclusion of the provisions of Section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 is mere superimposition. It has further been submitted that the place where, petitioner No. 1 was digging a ditch belong to him.

Considering the genesis of occurrence and submissions advanced on behalf of the petitioners, this application is 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 Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S. Case No. 81 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-

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