

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32098 of 2015

Arising Out of PS.Case No. -74 Year- 2015 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Sunaina Devi Wife of Late Bacchu Ram,
2. Upendra Ram, Son of Late Bacchu Ram, Both residents of village- Parsa
Giri Tola, P.S. - Sirisiya O.P. (Chanpatia), District - West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mahesh Narayan Parbat, Sr. Advocate
Mr. Praveen Prabhakar, Advocate
Mr. Sanjay Kr. Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

4 11-02-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Chanpatiya (Sirisiya) P.S. Case No. 74 of 2015, disclosing offences under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code and Section 3 (ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989.

A supplementary affidavit has been filed on behalf of the petitioners stating therein that they themselves belong to Scheduled Caste and therefore the provisions of Section 3 (ii) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 cannot be used against them, in view of the

provision under Section 3 (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989.

Learned Senior Counsel appearing on behalf of the petitioners submits that the deceased of the present Chanpatiya (Sirisiya) P.S. Case No. 74 of 2015 is an accused of Chanpatiya (Sirisiya) P.S. Case No. 73 of 2015, instituted by one Dhela Ram in which the petitioner no. 2 is a witness. It is submitted that the allegation against the petitioners in the present case is a counter-blast to the earlier case instituted against the deceased Bhola Ram who had killed the wife of Dhela Ram on 17.04.2015 by causing fire arm injury. Referring to the First Information Report in the present case, he submits that the allegation against all the 16 named accused persons are general and omnibus of causing injuries by lathi, fists and slaps. He submits that it appears that in retaliation to the act of the deceased in killing the wife of Bhola Ram, the deceased was attacked by a mob, whereafter the mother of the deceased got implicated the accused persons including these petitioners, with false allegations.

Considering the facts and circumstances and nature of accusation against these petitioners, I find that the petitioners have been able to make an exceptional case for grant of anticipatory bail. This application is accordingly 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, Bettiah in connection with Chanpatiya (Sirisiya) P.S. Case No. 74 of 2015, 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)

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