

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27624 of 2016

Arising Out of PS.Case No. -99 Year- 2016 Thana -CHHATAPUR District- SUPAUL

- =====
1. Kari Sutihar @ Kari Sharma Son of Jhabar Satihar
 2. Pintu Sutihar @ Pintu Sharma @ Pintu Ashok Sharma Son of Hari Sutihar both are resident of Village- daharia, Ward No.8, Police Station- Chhatapur, District- Supaul.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arun

For the Opposite Party : Mr. Sri Ambika Bhagat

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

2 22-08-2016 Learned Special Public Prosecutor appearing on behalf of the Schedule Caste/Schedule Tribes makes a preliminary objection that the present application is not maintainable, in view of the new amendment in SC/ST (Prevention of Atrocities) Act. However, after perusal of the Section 14 'A', this Court distinguishes between bail and pre-arrest bail and therefore, the matter is being entertained. Objection of the learned Special Public Prosecutor is dismissed.

The petitioners apprehended their arrest in connection with Chhatapur P.S. Case No. 99/2016 registered for the offences punishable under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code and Section 3(1)(X) of the SC/ST Atrocity Act, 1989.

Learned counsel appearing on behalf of the petitioners submits that the provision of Section 3(1)(X) of the

SC/ST Atrocity Act, 1989 is not attracted as admittedly, the occurrence took place on the private land of the petitioner and not at a public place. It is further submitted that there is land dispute between the parties and there are no independent witness to support the case. Learned counsel for the petitioners further submits that there is no specific allegation made by the informant on any of the petitioners for having taken the caste name. The allegation is general and omnibus in nature against all the accused persons.

In view of the aforementioned facts and circumstances and there is land dispute between the parties and the petitioners have clean antecedent, let 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, 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 learned Additional Chief Judicial Magistrate-II, Supaul, in connection with Chhatapur P.S. Case No. 99/2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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