

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26243 of 2016

Arising Out of PS.Case No. -5 Year- 2015 Thana -SC/ST District- SHEOHAR

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1. Ramniwas Sharma @ Lallan Ojha, S/o Ramashray Ojha, Resident of village - Gadpa Kothi, P.S. Phenhara, District East Champaran
2. Udai Shankar Narayan Singh, Son of Late Ramswarup Singh
3. Pankaj Singh, Son of Birendra Singh
4. Rajiv Singh, Son of Late Sogarath Singh, All resident of village - Khairwa Darp, P.S. Sheohar, District - Sheohar

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Devendra Kumar, Advocate

For the State : Mr. Sadanand Paswan, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

2 04-07-2016

Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case filed under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3 (I) (X) of the SC/ST Act.

It is contended on behalf of the petitioners that all the sections of the I.P.C. under which the case has been registered are bailable in nature, except Section 3 (I) (X) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. It is further contended that though there is allegation of assault but it is not supported by any injury report and the present case is afterthought of the case lodged by the petitioners. The said occurrence is said to be one day after the first information report

lodge by the petitioner no.1 alleging assault by several persons including the informant, Fulgen Manjhi, his son and others. It is further contended that though occurrence had taken place on 21.02.2015, the F.I.R. was lodge after two days of delay and obviously is an afterthought of Annexure 2. It is lastly contended that Section 3 (I) (X) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is also not applicable in the present case against the petitioners as the occurrence did not take place in public view.

Having regards to the facts and circumstances of the case, in the event of arrest/surrender within a period of six weeks from today in Sheohar SC/ST P.S. case no.05 of 2015, the above named petitioners, Ramniwas Sharma @ Lallan Ojha, Udai Shankar Narayan Singh, Pankaj Singh and Rajiv Singh shall be released on bail on furnishing bail bonds of Rs.10,000(Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Sheohar subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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