

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47110 of 2015

Arising Out of PS.Case No. -399 Year- 2015 Thana -DANAPUR District- PATNA

- 1. Dharmveer Roy @ Dhrambir Roy @ Dharmveer Kumar
- 2. Bharat Roy @ Bharat Rai, Son of Ramdeo Rai, both resident of Nasriganj, North of Devisthan Temple, P.S. Danapur, District-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.47742 of 2015

Arising Out of PS.Case No. -399 Year- 2015 Thana -DANAPUR District- PATNA

- 1. ARUN ROY @ ARUN KUMAR Son of Manki Rai
- 2. Awadhesh Roy Son of late Shiv Dayal Rai
- 3. Om Prakash Roy@Om Prakash Yadav Son of dharmpali Rai All are Resident of Nasriganj North of Devistha, temple Ps. Danapur District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :
(In Cr.Misc. No.47110 of 2015)
For the Petitioner/s : Mr. Siddharth Harsh, Adv.
For the Opposite Party/s : Mr. Ram Shankar Das(Spl.P.P.)
(In Cr.Misc. No.47742 of 2015)
For the Petitioner/s : Mr. Siddharth Harsh, Adv.
For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-01-2016 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in Danapur P.S. Case No. 399/2015, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 385, 379, 504, 506 of the

Indian Penal Code and Section 3(i)(x) of the SC/ST (Prevention of Atrocities) Act.

Learned counsel for the petitioners submits that the present case is lodged for land dispute. It is further submitted that the altercation which took place was on account of the fact that the petitioners were constructing their K.P. beam (boundary wall) over the land for which there was an agreement to sell. Learned counsel for the petitioners submits that when such construction was made by the petitioners, the informant came upon the land and tried to obstruct the same which led to the altercation. So far as the allegation regarding calling by caste name is concerned, directing the provision of Section 3(i)(x) of the SC/ST Act, learned counsel for the petitioners submits that the same cannot be made as admitted that the land is not a public place and there was no public view of the incident. Furthermore, no independent witnesses have been cited in the FIR to affirm such allegations.

Learned counsel for the informant submits that there is a clear provision under Section 18, however, keeping in view the facts and circumstances of the case and also noticing that, vide Annexure-2, the SC/ST Thana, Danapur has referred back the matter from its own jurisdiction to the local police for registering the case, as no case under Section 3(i)(x) of the SC/ST is made

out, this court feels that the said provisions are not prima facie attracted.

Considering the facts and circumstances and the fact that the petitioners are men of clean antecedent, 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 the learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Danapur P.S. Case No. 399/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

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