

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48237 of 2015

Arising Out of PS.Case No. -92 Year- 2015 Thana -DANIYAWA District- PATNA

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1. Gopal Ram, Son of Lae Ramdhani Ram
2. Santosh Ram, son of Gopal Ram
3. Jagdish Ram, Son of Gopal Ram
All Resident of village- Taraura, P.S.- Daniyawan, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivnandan Prasad Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-02-2016

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered for offences under Sections 341, 323, 504/34 of the Indian Penal Code as also under Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention Of Atrocities) Act, 1989.

In the FIR vide Annexure-1 the petitioners are alleged to have hurled abuses to the informant by calling his caste name.

The learned counsel appearing on behalf of the petitioners submits that, in view of the principles enunciated by this Court in the case of Sajjo Vs. The State of Bihar [2010(2) PLJR 690] particularly in paragraph 14, no offence punishable under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention Of Atrocities) Act, 1989 is made out. Therefore, according to him, the bar created under Section 18 of the Scheduled Castes & Scheduled Tribes (Prevention Of Atrocities) Act, 1989 shall not be applicable.

The learned Special P.P. appearing on behalf of the State of Bihar, though has opposed the prayer for anticipatory bail, but has not disputed the aforesaid submissions.

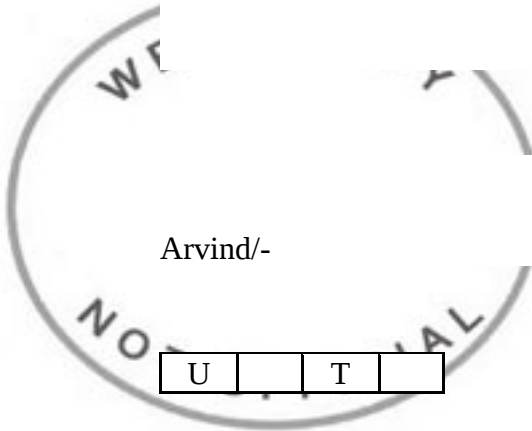
Be that as it may, in the facts and circumstances of the case, the prayer for anticipatory bail made on behalf of the petitioners is allowed. In the event of their arrest or surrender in the court below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna City in connection with Daniyawan P.S. Case No. 92 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,

(B) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;

(C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every date, and if on two consecutive dates petitioners fail to make pairvi, then

the court below shall be at liberty to cancel the bail bond of the petitioners.



(Birendra Prasad Verma, J)