

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.58237 of 2015**

Arising Out of PS.Case No. -521 Year- 2015 Thana -  
FORBESGANJ District- ARRARIA

- =====
1. Vijay Chaurasia @ Vijay Kumar Chaurasia, Son of Shiv Poojan Chaurasia
  2. Tinku Chaurasia, son of Vijay Chaurasia
  3. Amit Singh@Amit kumar Singh, Son of Nand Lal Singh
- All are Residents of Mohalla- Kalimela Road,Ward no. 7,  
Police Station Forbesganj, District Araria.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Mukesh Kumar Rana, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI  
SHARAN SINGH**  
ORAL ORDER

2    01-02-2016                      Heard learned counsel for the petitioners,  
  
learned counsel for the informant and learned Special Public  
Prosecutor for the State.

This application for grant of anticipatory bail  
arises out of Forbesganj PS Case No.521 of 2015 disclosing  
offences under Sections 341, 323,, 354,504, 506/34 of the  
Indian Penal Code and Section 3(X)(XI) of the Scheduled  
Castes and Scheduled Tribes (Prevention of Atrocities) Act,  
1989.



Learned counsel for the petitioners submits that for an occurrence which took place one day before the institution of the present FIR by the informant, the petitioners had lodged an FIR being Forbesganj PS Case No. 520 of 2015. He submits that the present FIR has been instituted out of retaliation. He further submits that no offence under Section 3(X)(XI) of the SC and SC (Prevention of Atrocities) Act is made out inasmuch the occurrence as alleged could not have been taken place in public view in order to attract the provision of the Act. He further submits that false implication of the petitioners in the prosecution's case is evident from the FIR inasmuch no motive has been attributed for alleged commission of offence.

Learned counsel for the informant as well as the learned Special Public Prosecutor representing the State have vehemently opposed the prayer for anticipatory bail.

However, keeping in view the nature of dispute between the parties and accusation against these petitioners, this application is allowed. It is directed that in the event of their arrest, the petitioners above-named, shall be released 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 Chief Judicial

Magistrate, Araria, in connection with Forbesganj PS Case No.521 of 2015, subject to the conditions as laid down under Section 438(2) CrPC.

This is subject to the further condition that the petitioners shall present themselves before the police/Court below, 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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