

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

**Criminal Miscellaneous No.2346 of 2016**

Arising Out of PS.Case No. -50 Year- 2015 Thana -SC/ST District- SITAMARHI

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1. Sakil Haidar Siddiki @ Shekh Shakeel Ahmad Siddiki @ Shakeel Haidar Siddiqui Son of ..... Resident of Village..... P.s ..... District Sitamarhi.
  2. Md. Majeed @ Md. Mausheer @ Md. Majid, son of Sheikh Samrul, Resident of Village- Parsauni, P.S.- Bairgania, District Sitamarhi.
  3. Israrodeen Khan, Son of Nasarodeen Khan, Resident of Village- Patahi, P.S.- Bairgania, District- Sitamarhi.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL ORDER

2 19-01-2016

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Sitamarhi S.C./S.T P.S. Case No. 50 of 2015 registered under Sections 341, 323, 504 read with 34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It has been contended that all the offences alleged



under the IPC are bailable in nature. There is no allegation that the occurrence took place within public view. In that view of the matter, the ingredients of the offence under Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act would not be attracted. It is further contended that the petitioners are school teachers and they have been implicated in the case with ulterior motive as the alleged occurrence is said to have taken place on 7<sup>th</sup> August, 2015, but the FIR was registered after three days on 10.08.2015 and there is no reasonable explanation for the inordinate delay caused in filing the FIR.

On the other hand, learned Special Public Prosecutor for the State has opposed the application filed under Section 438 Cr. P.C. It has been contended that though there is some delay in lodging the FIR, the allegations made would attract the ingredients of Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the

satisfaction of the learned Chief Judicial Magistrate, Sitamarhi  
in connection with Sitamarhi SC/ST P.S. Case No. 50 of 2015  
subject to the conditions as laid down under Section 438(2) Cr.  
P.C.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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