

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57471 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -GAYA HARIZAN (SC/ST) District- GAYA

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1. Munna Yadav, Son of Ram Chandra Yadav
 2. Manoj Yadav @ Manoj Kumar, Son of Munna Yadav
 3. Aman Yadav @ Aman Kumar, Son of Pawan Yadav
- All resident of Mohalla-Headmanpur, Dahiyari Tola,
P.S.- Buniyadganj, District - Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr.Advocate
Mr. Lakshmikant Sharma, Advocate
Mr. Arun Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das (Spl.PP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 05-01-2016 Heard learned counsel for the petitioners and the

learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Gaya SC/ST P.S. Case No.35 of 2015 for allegedly having committed the offences under Sections 147, 148, 149, 323, 307, 452, 504 and 506 of the Indian Penal Code and Section 3(1)(x)(xi) of the SC/ST (Prevention of Atrocities) Act.

Mr. Ramakant Sharma, learned Senior Counsel appearing on behalf of the petitioners submits that the provision of Section 3(1)(x)(xi) of the S.C./S.T. Act has



been brought in merely to make the offence more graver. It is evident from perusal of the F.I.R. itself that the occurrence has taken place at the doorstep of the informant and not at any public place. He further submits that if at all the allegations are taken to be true, the petitioners have no role to play and have not attacked the informant. He further submits that there is case and counter case between the parties and only difference is that in the counter version, the petitioners' side had gone to the local Thana whereas the present informant had gone to the SC/S.T. Thana located nearby. The occurrence is of the same date and of the same time.

Considering the nature of allegations and that the provisions of the S.C./S.T. Act have been brought in only in an ornamental manner, let 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, be released on bail on furnishing bail bonds 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, Gaya, in connection with Gaya SC/ST P.S.

Case No.35 of 2015, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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