

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30748 of 2016

Arising Out of PS.Case No. -112 Year- 2016 Thana -KATIHAR MUFFASIL District- KATIHAR

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1. Shankar Sah S/o late Harendra Sah
 2. Babul Sah@Bablu Sah S/o late Harendra Sah
 3. Guddu Sah S/o Dhruv Sah
 4. Pappu Sah S/o Dhruv Sah all are R/o Sirsa, P.S. Muffasil Katihar Dist Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Ram Shankar Das

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-07-2016 Heard learned counsel for the petitioners and the State.

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 452, 504, 323 of the Indian Penal Code and 3(i) (x) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that in the background of political rivalry, on the eve of the Panchayat Election the accused persons entered into the courtyard of the informant and they abused the informant by calling caste name and assaulted.

It is submitted by learned counsel for the petitioners

that the accusation has been levelled in the background of political rivalry. For the occurrence of 12.05.2016, the complaint was filed on 16.05.2016 which came to be registered as a police case after being transferred under Section 156(3) of the Cr. P.C. on 07.06.2016 whereas the FIR reached to the court of learned Magistrate on 09.06.2016.

Considering the nature of accusation, this Court is not inclined to grant anticipatory bail to the petitioners however, considering the accusation, as per the own admission of the informant, in the background of political dispute, delayed lodging of the complaint and delayed reaching of the FIR to the learned court below, it is a case for consideration of regular bail.

Let the learned court below consider the prayer for regular bail of the petitioners if he surrender within a period of six weeks in connection with Katihar Muffasil P.S. Case No. 112 of 2016 pending in the court of learned Chief Judicial Magistrate, Katihar.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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