

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48647 of 2015

Arising Out of PS.Case No. -319 Year- 2015 Thana -DHANARUA District- PATNA

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1. Surendra Prasad
 2. Kamlesh Prasad Both are Sons of Yadu prasad null
 3. Munna Prasad@Munna Kumar Son of Kamlesh Prasad
 4. tuntun Prasad@Tuntun Kumar son of Surendra Prasad All are residents of Village Chhitrauli P.s Dhanarua district Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Ambika Bhagat(Spl .A P.P.)

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

3 29-02-2016 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Dhanarua Police Station Case No. 319 of 2015, disclosing offences under Sections 341, 342, 323, 379, 504/34 of the Indian Penal Code and Section 3 (i)(x) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act.

Learned Counsel for the petitioners submits that no offence under the provisions of Section 3 (i) (x) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act is made out. He further submits that there

has been delay of 11 days in the institution of First Information Report. According to him, the First Information Report has been instituted because of petty dispute between the petitioner and the informant. It has been stated in paragraph 3 of the application that the petitioners have no criminal antecedents.

Learned Special Public Prosecutor has opposed the prayer for bail and has submitted that the delay in the institution of the First Information Report has been duly explained.

However, considering the facts and circumstances and the plea that no offence under Section 3 (i) (x) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act is made out, this application is allowed.

Let the petitioners, namely, Surendra Prasad, Kamlesh Prasad, Munna Prasad @ Munna Kumar and Tuntun Prasad @ Tuntun Kumar, in the event of their arrest or surrender before the Court below within six weeks, 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 Sri Hare Ram, Judicial Magistrate, 1st Class, Mashauri, Patna, in connection with Dhanarua Police Station Case No. 319 of 2015, subject to

the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/ Court, 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 bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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