

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14446 of 2016

Arising Out of PS.Case No. -226 Year- 2015 Thana -ATRI District- GAYA

1. Sanjay Yadav
2. Dinesh Yadav Both sons of Sidheshwar Yadav null
3. Shisheshwar Yadav S/o Bodha Yadav
4. Anuj Yadav Son of Karu Yadav All residents of Village- Kajur, Tola-
Tulbigha, P.S.- Atri, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate.
For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 11-08-2016 Heard the parties.

This application, for grant of anticipatory bail, arises out of Atri P.S. Case No. 226 of 2015, disclosing offences under Sections 147, 149, 341, 323, 324, 325, 307, 379, 448, 504, 506 and 354(A) of the Indian Penal Code and 3(1) (x) of the SC/ST Act.

The petitioners are named in the first information report.

Referring to the first information report, learned counsel for the petitioners has submitted that it is true that the informant belongs to the Scheduled Caste but at the same time he contends that there is no allegation that the alleged assault was made with

an intent to humiliate because they belong to Schedule Caste. He has further submitted that as a matter of fact, no offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out, on the basis of allegations contained in the first information report. Submission to this extent appears to be *prima facie* correct.

From the first information report it appears that there is specific allegation of assault made by the Petitioner no. 1 on the head of the informant with Khanti. The said injury is supported by the injury report.

Considering the above, I am not inclined to grant privilege of anticipatory bail to the Petitioner no. 1. His application for anticipatory bail is accordingly rejected.

So far as Petitioners no. 2, 3 and 4 are concerned, considering the nature of allegation as made against them in the first information report, let them, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate, IInd, Gaya** in connection with Atri P.S. Case No. 226 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, above named, 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Prakash/-

U			
---	--	--	--