

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21183 of 2017

Arising Out of PS.Case No. -152 Year- 2016 Thana -AURAI District- MUZAFFARPUR

- =====
1. Chandradeo Thakur, son of Dularchan Thakur.
 2. Kaushalya Devi, wife of Chandradeo Thakur.
Resident of village-Khetalpur, P.S. Aurai, District-Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 20-09-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Aurai P.S. Case No.152 of 2016 registered under Sections 147, 148, 149, 341, 323, 353, 504 and 506 of the Indian Penal Code besides Section 3(1) (X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The accusation is that the petitioners obstructed the Government officials in installing the wire on the electric pole. As such, they created disturbance in discharging the official duties of the Government officials.

Learned counsel for the petitioners submits that the petitioners belong to the caste of "Lohar", which has been notified in the category



of Scheduled Castes and Scheduled Tribes by the Government, as such, Sections 3(1) (X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act would not be applicable against the petitioners. So far as the other offences under the Indian Penal Code is concerned, all the offences are bailable in nature except Section 353 of the Indian Penal Code, which is not bailable in nature. Further submission is that the five other accused have already been granted anticipatory bail by a Bench of this Court vide order dated 31.05.2017 passed in Criminal Misc. No.19812 of 2017. The petitioners have no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the 3rd Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur, in connection with Aurai P.S. Case No.152 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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