

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2377 of 2017

Arising Out of PS.Case No. -58 Year- 2016 Thana -SIMRIBAZAR District- DARBHANGA

- =====
1. Golu @ Abhinash Kumar Lal.
 2. Nitu @ Lakhiya @ Nikhil Kumar Lal.
Both Sons of Paswan Kumar Lal @ Satyendra Kumar Lal @ Pawan Kumar Lal, Resident of village Kumarpatti, P.S.- Simiri, District-Darhanga.

.... 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

2 13-02-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Simiri P.S. Case No.58 of 2016 registered under Sections 341, 342, 328, 307, 379 and 504/34 of the Indian Penal Code besides Section 3(X) of the SC/ST Act.

The accusation is that due to land dispute, the petitioners alongwith their mother entered the house of the informant Chulhai Mahto, belonging to the Extremely Backward Class and, thereafter, both the petitioners caused assault at the head of the informant through iron rod and Sota.



Learned counsel appearing on behalf of the petitioners submits that it would appear from the F.I.R. that the informant is Nonia by caste, which comes under the category of Extremely Backward Class, as such, the offence under Section 3(X) of the SC/ST (POA) Act would not be applicable in this case. So far as the allegation against the petitioners is of causing injury to the informant on his head through iron rod and Sota is concerned, it would appear from the injury report of the informant that he sustained only three injuries on his person, which are simple in nature.

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 Sub-Divisional Judicial Magistrate, Darbhanga, in connection with Simiri P.S. Case No.58 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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