

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22046 of 2017

Arising Out of PS.Case No. -128 Year- 2014 Thana -LAUKHI District- MADHUBANI

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1. Ram Udgar Yadav S/o Baua lal Yadav Resident of Village- Chichodaba,
P.S. Laukahi, district-Madhubani.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Kumar No 13, Adv.

For the Opposite Party : Mr. Binay Krishna, APP 245

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 18-05-2017

Heard the learned counsel for the petitioner and the State.

This is a petition for grant of anticipatory bail for offence under Sections 341, 323, 427 and 504/34 of the Indian Penal Code and 3(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

First information report relates to an offence allegedly committed on 08.09.2014. allegation is that there is land dispute between the parties and for that reason the petitioner allegedly committed abuse and assault taking caste name of the informant.

Submission of the petitioner is that a bare perusal of the first information report would reveal that the occurrence of assault had taken place due to land dispute between the parties and there is no whisper to



infer that the abuse was allegedly hurled with intent to humiliate the informant as she was a member of the Scheduled Castes.

In my view, apparently the offence alleged under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not maintainable.

Considering the aforesaid fact, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Laukahi P.S. Case No. 128 of 2014** (G.R. No. 1427 of 2014) to the satisfaction of the **Sri S.K. Rai, Judicial Magistrate, 1st Class, Jhanjarpur, Madhubani,** or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

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