

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52484 of 2015

Arising Out of PS.Case No. -38 Year- 2014 Thana -SC/ST District- BHAGALPUR

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Rudal Harijan, Son of Late Surju Harijan, resident of Village-Danda Bazar,
Fazilpur, P.S.-Goradih, District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shiv Shankar Yadav, Son of Late Akhileshwar Prasad.
3. Anno Yadav, Son of Jagdish Prasad Yadav.

Both are resident of Village-Banela Bazar, P.S.-Goradih, District-Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kr. Jha, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan, Spl. APP

Mr. Shiwesh Chandra Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 07-08-2017

Heard the parties.

2. The present application, under 439(2) of the Code of Criminal Procedure, 1973 (*in short 'Code'*) has been filed seeking cancellation of regular bail granted to opposite parties No. 2 and 3 in connection with Harijan P.S. Case No. 38 of 2014, registered for the offence punishable under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Section 3(1)(x) of the



Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act.

3. It transpires from the order, dated 31.07.2015, passed in G.R. No. 2239 of 2014, that the said opposite parties had been released by the police on bond under Section 50(2) of the Code. When they applied for anticipatory bail before this Court, *vide* Cr. Misc. No. 47700 of 2014, the same came to be disposed of by an order, dated 03.07.2015, making following observation:-

“Having regard to the facts and circumstances of the case, if the petitioners surrender before the court below (Special Judge, Bhagalpur) within four weeks from today and pay for regular bail, the same would be disposed of on considering the fact that the police has released them on bond under Section 50(2) of the Cr.P.C. provided that they do not involve in criminal cases.”

4. Thereafter, learned Special Court, Scheduled Caste/Scheduled Tribes, Bhagalpur, has allowed bail by order, dated 31.07.2015, to the opposite parties.

5. It has been submitted on behalf of the petitioner, who is the informant of concerned Harijan P.S. Case No. 38 of 2014, that the opposite parties, being accused in three other cases,



have been granted bail by the court below against the order of this Court, dated 03.07.2015.

6. I have perused the order, dated 31.07.2015, whereby, the court below has allowed bail to the opposite parties and I have considered the submission so made on behalf of the petitioner, with reference to order of this Court, dated 03.07.2015, passed in Cr. Misc. No. 47700 of 2014. I am of the considered view that the order of the court below, allowing opposite parties No. 2 and 3 the privilege of regular bail, in the facts and circumstances of the case and in the background of nature of dispute between the parties, is fully justified.

7. This application has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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