

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39702 of 2015

Arising Out of PS.Case No. -15232 Year- 2014 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

- =====
1. Bhajjan Mahton Son of Bhadia Mahton
 2. Doda Mahton son of Bhajjan Mahton
 3. Horil Mahton@Mahendra Mahton son of Bhajjan Mahton
 4. Sikendar Mahton son of Bhajjan Mahton
 5. Moti Mahton Son of late Lakhan Mahton All resident of Village-
Chandpura, Police Station Neemachandpura, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Virma Devi wife of Fucho Mallik resident of Village-Chandrapura,
Police Station Neemachandpura, District Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj
For the Opposite Party/s : Mr. Ram Shankar Das(Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-09-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 323 of the Indian Penal Code and 3 (i) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the petitioners is to have assaulted the informant and her family members and abused them by their caste name.

It has been submitted on behalf of the petitioners that they have no criminal antecedent. Prior to institution of the present case, a proceeding under Section 144 of the Code of Criminal Procedure was initiated on behalf of the complainant and subsequently the proceeding was dropped as the complainant

failed to produce any document in respect to the land in question. Hence, the present prosecution has been brought with malafide reason. So far as offence under SC and ST Act is concerned, same is not made out against the petitioners.

On behalf of the State, it is submitted that petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Begusarai, in connection with Complaint Case no. 15232 C of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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