

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21627 of 2015

Arising Out of PS.Case No. -278 Year- 2013 Thana -PHULPARAS District- MADHUBANI

Jibachh Mukhiya, son of Late Laxmi Mukhiya, resident of Village Bahuarba, P.S. Phulparas, District Madhubani

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rama Kant Sharma, Sr. Advocate.

For the Opposite Party : Mr. Ambika Bhagat (Spl.App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-07-2015 Heard both sides.

The petitioner apprehends his arrest in Phulparas P.S. Case No. 278 of 2013, registered for the offences punishable under Sections 289 and 34 of the Indian Penal Code and under Section 3(x) of the SC/ST Act.

The informant named the petitioner and other accused persons and they abused him by naming his caste and also alleged that the petitioner and Satya Narayan Mukhiya instigated the ox. The ox caused injury to the informant.

Learned counsel for the petitioner submits that police after investigation submitted final form against all other accused persons except the petitioner although same and similar allegation is made against the petitioner and Satya Narayan Mukhiya.

Shri Ambika Bhagat, the learned Spl. PP has submitted that the police after investigation has submitted charge sheet under Section 3(x) of the SC/ST Act and therefore the anticipatory bail is not maintainable in view of Section 18 of the SC/ST Act.

On the face, it appears that omnibus and general allegation is made against all accused persons, but the police found the case false against other accused persons and only submitted charge sheet against the petitioner. No specific allegation is made against the petitioner.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Jhanjharpur (Madhubani) in Phulparas P.S. Case No. 278 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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