

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26331 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -DHANARUA District- PATNA

1. Dharmendra Prasad, Son of Lakhan Prasad,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-07-2015

The matter has been listed under the heading "To Be

Mentioned" at the instance of the court. The matter was directed to be disposed of on 20.07.2015 but at the time of correction of the order, it transpired that anticipatory bail application of similarly situated co-accused Harkhit Prasad has been dismissed by a co-ordinate bench of this Court vide Criminal Miscellaneous No. 16888 of 2015.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341/323/504/506/448/379/34 of the Indian Penal Code and section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is alleged that the petitioner and others came to the eggs shop of the informant, took three eggs but insisting for not making payment which was protested by son of the informant then he was being abused. Subsequently, the petitioner and others came

variously armed at the door of the informant abused her by calling caste name when neighbor of the informant, namely, Mukesh Paswan came to resolve the issue he was also assaulted by the accused persons.

It is submitted by learned counsel for the petitioner that since the informant took some money from the petitioner and when the informant was asked to return the same, the present case has been lodged. For the occurrence of 25.01.2015 at 07:30 pm, the FIR was registered on 26.01.2015 at 09:00 am. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. It is further submitted that admittedly the major portion of occurrence took place at the door of the informant which cannot be treated to be a place of public view.

Considering the nature of accusation, it is a fit case for consideration of prayer for regular bail, if the petitioner surrenders within a period of six weeks in connection with Dhanaura P.S. Case No.29 of 2015, pending before the learned Judicial Magistrate, 1st Class, Masaurhi, Patna.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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