

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35549 of 2014

Arising Out of PS.Case No. -180 Year- 2014 Thana -SIWAN MUFFASIL District- SIWAN

- =====
1. Abid Miyan
 2. Munna Miyan
 3. Zakir Miyan @ Zakir Hussain
 4. Md. Ain Miyan

All Sons of Ali Hussain

All resident of village- Orma, P.S.- Siwan Mufassil, District- Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 06-08-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 342, 364, 353 of the Indian Penal Code and 3(1)(x) SC/ST (Prevention of Atrocities) Act.

The prosecution case as per the written report of Ram Pravesh Paswan, S.I. of Siwan Muffasil Police Station to the effect that on 11.05.2014 he received information that the former Mukhiya is threatening the voters to vote for candidates of his choice, consequently the informant went to the

door of co-accused Sabbir Mian where the petitioners and others abused the informant by calling caste name and confined the him in a room. The informant was released when SHO reached to the spot.

It is submitted by learned counsel for the petitioners that the accusation was levelled by the informant since the petitioners earlier complained against the informant to the higher officials, hence, prosecution prima facie is malicious. Though, one of the petitioners lodged Complaint Case No. 1181 of 2014 against the Officer-in-charge of Siwan Muffasil P.S. The occurrence is of 11.05.2014 at 3.40 P.M. when the FIR was lodged on 13.05.2014 at 6.00 A.M. and the written report reached to the court of learned CJM on 14.05.2014. There is no explanation for such a delay. The informant was not medically examined and the SHO, who, as per the informant reached at the spot and got him released, has not got his statement recorded in the case-diary, which has not been controverted by the learned APP after going through the case diary.

Considering the delayed lodging of the case by a police officer, the case lodged by the petitioners' side against the SHO and a statement in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above

named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan (Muffasil) P.S. Case No. 180 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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