

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35292 of 2014

Arising Out of PS.Case No. -8 Year- 2014 Thana -SC/ST District- SHEOHAR

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Rupesh Singh @ Rupesh Kumar Singh, Son of Sri Harish Chandra Singh,
Resident of Village Adauri, P.S. Purnahiya, District Sheohar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 11-02-2015

Heard.

All the offences of the Indian Penal Code under which the First Information Report of Sheohar S.C. & S.T. P.S. Case No. 08 of 2014 has been registered are bailable. The petitioner has filed the petition only because Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has also been inserted in the First Information Report with specific allegation against the petitioner of abusing and assaulting the informant on account of belonging to any of the scheduled castes.

Submission is that in fact there was a mutual *marpit* between the sides and the petitioner had also registered Purnahiya P.S. Case No. 25 of 2014 under Sections 307, 379 etc. of the Indian Penal Code.

This court considers it a case in which the petitioner should surrender and pray for regular bail. There is a case and counter case and the counter case sets up the defence of the petitioner. There might be an allegation of assaulting the informant by abusing him on account of belonging to a particular caste but, the court below may consider that the offences under the penal code are bailable. The Court wants further to point out that mere insertion of some section of offence under the special act may not make it a case in which the prayer for bail of the petitioner be refused.

Let the court below apply its mind to the facts of the case and to the defence of the petitioner which is contained in the counter case as pointed out above and admit the petitioner to bail as and when he surrenders before it.

The petition stands disposed of with the above observations.

(Dharnidhar Jha, J.)

Sanjay/-

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