

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39870 of 2015

Arising Out of PS.Case No. -121 Year- 2015 Thana -BELHAR District- BANKA

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Pradeep Sah Son of Sitaram Sah, Resident of Village - Belhar Basti, P.S. - Belhar, District - Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 448, 341,323 and 302/504 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the petitioner is to have assaulted informant and his father, who later on died while going for treatment.

It has been submitted on behalf of the petitioner that he has got no criminal antecedent. Though as per F.I.R. it has been alleged that the deceased was assaulted in course of occurrence but from perusal of the post mortem examination report (Annexure-2 of the present application) it would appear that there is no external injury on the body of the deceased which falsifies the allegation made by the prosecution. The deceased happened to be 75 years old man and he had a natural death. Taking advantage of the same, petitioner has been falsely implicated in the present case due to previous enmity.

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

Considering the aforesaid facts and circumstances, let the above named petitioner, 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) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Banka, in connection with P.S. Belhar P. S. Case no.121/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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