

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.215 of 2015

Arising Out of PS.Case No. -15 Year- 2014 Thana -HARIZAN District- BEGUSARAI

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1. Kamlesh Kumar Son of Late Kailash Mahto, Resident of Village-
Temuha, Police Station- Mansurchak, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj

For the Opposite Party/s : Mr. Ramshankar Das(Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-05-2015 The petitioner is apprehending his arrest in connection with Begusarai SC/ST P.S.Case No.15/2014 instituted under Sections 147,148,149, 341, 323, 504,506, 448, 354, 376 and 511 of the Indian Penal Code and Section 3(1)(X) (XI) of SC/ST Act, pending in the court of learned A.C.J.M., Begusaai.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that while she was cooking all the accused persons armed with lathi, khanti etc. entered in her house and abused her by calling the caste name and also assaulted her by means of fists and slaps. It is further alleged that the petitioner and another co accused Dharmendra Kumar pulled her cloth and made half naked.

It has been submitted on behalf of the petitioner that the

present case has been instituted after a delay of six days for which no explanation has been given. It is also submitted that the petitioner out of political rivalry has been implicated in the present case.

Counsel for the State has submitted that the offence is said to have taken place on the road and come within the purview of public view and hence Section 3(X) of SC/ST is attracted and as such the anticipatory bail of the petitioner is not maintainable.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected.

However, if the petitioner surrenders in the court blow within a period of four weeks and seek regular bail, the same shall be considered on its own merit without being prejudiced by this order of rejection and at the same time the court below will consider that other co accused persons have already been granted anticipatory bail.

(Sudhir Singh, J)

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