

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52017 of 2014

Arising Out of PS.Case No. -65 Year- 2013 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

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Madhurendra Singh @ Pakaurilal, S/o Late Bishwanath Singh, resident of
Village-Khori Pakar, P.S.-Patahi (OP. Panchpakari), District-East
Champaran, Motihari.

.... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party : Mr. Ram Shankar Das, SPL.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 05-01-2015 Heard both sides.

The petitioner, Madhurendra Singh @ Pakaurilal, apprehends his arrest in Patahi P.S. Case No.65 of 2013, registered under Sections 302 and other sections of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Shyamkali Devi, the informant, named 16 persons and alleged that all the accused persons having armed with stick, spear and farsa came and set ablaze the house of Fakira Paswan. They started pelting stones and caught Ramchandra Paswan, her husband, and assaulted him with bricks. Her husband died on his way to hospital.

Learned counsel for the petitioner submits that the



petitioner is not named in the first information report. The wife of the deceased is the informant and eye witness of the occurrence. She made omnibus and general allegation of assault against the named 16 persons but did not name the petitioner. 13 accused persons, who are named in the First Information Report, have already been enlarged on anticipatory bail by a Bench of this Court vide order passed in Cr. Misc. No. 53622 of 2013. The case of the petitioner stands on a better footing.

Learned Additional Public Prosecutor, however, opposed the prayer for anticipatory bail and submitted that during course of investigation, the witnesses have named the petitioner and stated that the petitioner also assaulted the deceased with bricks on his chest as it appears from the order of the learned Sessions Judge.

It appears that the informant, wife of the deceased, named 16 persons, but the petitioner is not named in the first information report. She made allegation against the named accused that they all assaulted her husband with bricks. The case of the petitioner stands on better footing as that of those accused persons, who are named in the first information report and alleged to have assaulted the deceased with bricks on his chest, but they have already been on anticipatory bail.

Having considered the aforesaid facts, the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sikrahana, East Champaran, in connection with Patahi P.S. Case No.65 of 2013, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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