

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1273 of 2015

Arising Out of PS.Case No. -176 Year- 2014 Thana -BODHGAYA District- GAYA

=====

1. Umesh Prasad Son of Sita Ram Sao @ Sita Ram Prasad
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.Pp)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

8 03-03-2015 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

At the very outset, learned counsel for the informant
seeks time to file counter affidavit but from perusal of the record I
find that much opportunity had already been given to the
informant to file counter affidavit as well as to bring on record the
relevant documents but the informant could not avail the aforesaid
opportunities.

Petitioner apprehends his arrest in connection with
Bodh Gaya (Cherki) P.S. Case No. 176 of 2014 registered for the
offences punishable under Sections 356, 379 of the Indian Penal
Code and 3 (i) (vi), 3 (i) (x) of S.C./S.T. (Prevention of Atrocities)
Act.

At the very outset, learned counsel for the petitioner submits that the provisions of S.C./S.T. (Prevention of Atrocities) Act are not applicable in this case and as a matter of fact, the present case has been brought by the informant with mala fide intention and prior to filing of the present case, several other cases were lodged against the petitioner, who happens to be Mukhiya. It is further contended by him that according to prosecution case itself, the alleged occurrence took place on 29.04.2014 whereas the present first information report was lodged on 18.06.2014 and no explanation of the aforesaid delay has been given.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in Bodh Gaya (Cherki) P.S. Case No. 176 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

U		T	
---	--	---	--