

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23492 of 2015**

Arising Out of PS.Case No. -42 Year- 2015 Thana -KISHANGANJ District- KISANGANJ

1. Bhola @ Shamim @ Shamim Akhtar Son of Late Gayasuddin Resident  
of village - Darji Basti, Halim Chowk, P.S. Kishanganj, District -  
Kishanganj

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Samir Kumar Sinha

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

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**

**ORAL ORDER**

4 30-10-2015 Heard learned counsel for the petitioner and learned Special  
Additional Public Prosecutor for the Scheduled Castes and  
Scheduled Tribes Act.

The petitioner apprehends his arrest in connection with a  
case registered for the offences punishable under Sections 341/323/  
324/325/307/379/149 of the Indian Penal Code and Section 3(i)(x)  
of the Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989.

Learned counsel for the petitioner submits that though  
allegation has been made against the petitioner under the relevant  
sections of the Scheduled Castes and Scheduled Tribes (Prevention  
of Atrocities) Act, 1989, no case is made out as such since the  
offence is not said to have taken place at a public place or in a  
public view. It is further submitted that there is no independent

witnesses to support the fact that the occurrence took place in public view and, therefore, the said provisions cannot be attracted.

So far as the allegation with regard to this petitioner is concerned, it is alleged that he is said to have pressed the neck of the informant.

It is submitted that another similarly situated co-accused persons namely, Akbar against whom there is main allegation, has been extended the privilege of anticipatory bail vide order dated 13.10.2015 passed in Cr. Misc. No. 21645 of 2015.

Considering the aforementioned facts and circumstances and also because the petitioner has no criminal antecedent, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 42 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

**(Anjana Mishra, J)**

Saif/-

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