

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53031 of 2015

Arising Out of PS.Case No. -277 Year- 2012 Thana -VAISHALI District- VAISHALI(HAJIPUR)

Lakshuman Mahto S/o Jagdish Mahto R/o Village- Chakramdas, P.S. +
Distt. - Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Pd. Singh (APP)

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 17-12-2015 Heard the parties.

The petitioner apprehends his arrest in connection with Vaishali P.S. Case No. 277 of 2012 for the offences punishable under Sections 448, 504, 436/34 of the Indian Penal Code and Section 3(X) of the Scheduled Caste / Scheduled Tribe (Prevention of Atrocities) Act.

Mr. Shashi Bhushan Kumar, learned counsel for the petitioner with reference to the FIR submits that the allegation insofar as it relates to the SC/ST Act is not made out in view that the occurrence is stated to have taken place at the door step of the informant and not in public view and thus has to be adjudicated whether it would fall within the purview of the said Act. He submits that there is a dispute between the parties as

regarding the passage and since the passage runs through the land of the accused petitioner and who has closed the same which has led to the present case. He submits that the FIR regarding the house being put on fire with the aid of the match box again is a concocted allegation. He further submits that although final form was submitted by the police falsifying the case but the matter has proceeded in the light of the recommendation made in the supervision note.

Having heard learned counsel for the parties, considering the nature of allegations and the circumstances advanced, let the petitioner, namely, Lakshuman Mahto in the event of his arrest or surrender within four weeks from today 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 Chief Judicial Magistrate, Vaishali at Hajipur and/or the court concerned in connection with Vaishali P.S. Case No. 277 of 2012 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Jyoti Saran, J)

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