

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50965 of 2015

Arising Out of PS.Case No. -46 Year- 2014 Thana -SC/ST PS District- GOPALGANJ

Sipahi Prasad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kapil Deo Singh

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-11-2015

Heard learned counsel for the petitioner and learned
Special P.P. for the State.

The petitioner apprehends his arrest in connection
with Gopalganj S.C./S.T. P.S. Case No. 46/2014 registered for
offences punishable under Sections 341, 323, 427, 448, 504/34 of
the Indian Penal Code and 3 (i) (x) (xv) of S.C./S.T. Act.

The prosecution case is that on the alleged date of
occurrence, all the accused persons assaulted the parents, wife and
children of informant and ousted them from the house and also
threw the articles of the shop worth Rs. one lac. When the
informant returned home and knowing the matter went to ask the
petitioners, they annoyed, started assaulting him and hurling
abuses in the name of his caste.

It has been submitted by the learned counsel for the

petitioner that the F.I.R. is against three persons and common allegation has been mentioned against all the three persons, out of which two accused persons Ramu Prasad and Shyam Babu @ Shyam Babu Prasad have been granted privilege of bail by the learned court below.

It has further been submitted that the occurrence took place on 10.09.2014 and the F.I.R. has been lodged on 26.09.2014, the delay of sixteen days having not been explained the entire prosecution case, suffers from suspicion and doubt.

It has further been stated that the matter in question is a civil dispute, as the premises was given on rent to the informant, as the shop belongs to the petitioner, and he and his wife named, Ramjhari Devi had gone to fetch rent but they have falsely been implicated in the said case.

Furthermore, it has been submitted by the learned counsel for the petitioner that proceeding under Section 144 of Cr. P. C. was initiated between the parties, hence, disposed of on 02.06.2015, which amply brings to the fore that the dispute between the parties is due to non payment of rent.

Be that as it may, let the petitioner, namely, Sipahi Prasad in the event of his arrest / surrender within a period of six weeks from today before the Court below, be enlarged 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 learned Chief Judicial Magistrate, Goplalganj in connection with Gopalganj SC/ST P.S.Case No. 46/2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Nilu Agrawal, J)

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