

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52209 of 2014

Arising Out of PS.Case No. -61 Year- 2014 Thana -KANHAULI District- SITAMARHI

Sanjit Singh son of Sri Rameshwar Singh Resident of village - Muraha
Ghat, P.S. Kanhauli, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar 1 (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-05-2015 The petitioner is apprehending his arrest in connection
with Kanhauli P.S.Cas No. 61 of 2014 instituted under Sections
323, 448, 380, 307, 420, 427, 120(B) of the Indian Penal Code and
Section 3 (1)(X) of SC/ST Act.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that the informant is a
labourer and petitioner introduced himself to the informant as
Contractor of MANREGA and took work of plantation of trees on
Ring Bandh under Scheme No, 16/2009-10 and assured to make
payment of the wages through Madhopur Maliniya Post Office
after getting fund from the Government but the petitioner did not
make payment of the wages. It is further alleged that he met
District Magistrate, Sitamarhi in his Janta Darbar and submitted



his written report upon which District Magistrate ordered for enquiry and during enquiry it comes in the light that the payment was to be made through Up-Dakpal Majroganj from Madhopur Maliniya Post Office. It is also alleged that he enquired from accused no.2 Madan Singh, Up- Dakpal, Majroganj Post Office where petitioner and other accused were presented and they assured to make payment of the money. On 9.3.2014 the petitioner and other accused persons came at his door and abused him by calling his caste name and told that if he makes demand for payment of wages they will kill him. The petitioner put rope around his neck and started pulling to him and on his alarm, the villagers assembled there and save his life. The petitioner and other accused threw spite on his face and threatened that not to make demand for payment of amount. It is also alleged that the petitioner and other accused persons also entered into his house and the petitioner took away an Attaichi containing case of Rs. 5,000/- and clothes worth Rs. 2000/-.

It has been submitted on behalf of the petitioner that the date of occurrence is 9.3.2014 when the complaint petition was filed on 13.3.2014 and for this delay, no explanation has been given .It has been further submitted that there is no injury caused to the informant. Further, no offence under Section

3(1)(X) of SC/ST Act is made out as the occurrence has taken place inside the house.

On behalf of the State it has been submitted that the petitioner is named in the FIR.

Considering the aforesaid facts, let the above named petitioner, in the event of his arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sitamarhi in Kanhauli P.S.Case No.61 of 2014, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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