

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48153 of 2014

Arising Out of PS.Case No. -29 Year- 2014 Thana -RAIL JHAJHA District- JAMUI

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1. Shailesh Chandra Kumar Son of Late Rameshwar Singh resident of
Mohalla- Shastri Colony, Jamui, Police Station and District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Sharda Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 30-04-2015

This is an application seeking anticipatory bail in a case registered for the offences punishable under sections 341, 323, 379, 504 and 34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

Learned counsel for the petitioner has submitted that no offence under sections 3(i)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is made out inasmuch as there is no specific allegation that the occurrence took place in public view.

Learned counsel for the informant, on the other hand, has submitted, referring to the first information report, that the occurrence took place at a tempo stand which is a public place. He

has, accordingly, submitted that it would be presumed, therefore, that the occurrence took place in public view.

I find merit in the submission made on behalf of the petitioner that there is no specific allegation in the first information report that the occurrence took place in presence of public. The presumption, as suggested by learned counsel for the informant, is not required to be considered at this stage.

In view of submissions, as above, the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Kiul in connection with Jhajha G.R.P. case No. 29 of 2014, subject to condition as laid down u/s 438(2) of the Code of Criminal Procedure.

(Chakradhari Sharan Singh, J)

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