

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1359 of 2015

Arising Out of PS.Case No. -215 Year- 2014 Thana -RUPASPUR District- PATNA

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Ajit Kumar, Son of Sri Baiju Rai, Resident of Village – Rupaspur, P.S. –
Rupaspur, District – Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate.

For the Opposite Party/s : Mr. Ram Shankar Das (Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 13-01-2015

Heard both sides.

The petitioner apprehends his arrest in Rupaspur P.S.
Case No. 215 of 2014, registered for the offences punishable
under Sections 341, 307, 504, 506 and 34 of the Indian Penal Code
and Section 3(i)(x) of the SC/ST Act.

The informant made allegation against the petitioner
and others that they abused the informant in the name of his caste
and also assaulted his son on account of which his son got injuries
on his head.

Learned counsel for the petitioner submits that co-
accused Ashok Choudhary has already been enlarged on
anticipatory bail on the ground that he belongs to Scheduled
Castes. There is omnibus and general allegation of abusing against
the petitioner. No offence under SC/ST Act is made out.

It appears that the petitioner is alleged to have abused the informant by naming his caste, while the informant and others going for disposal of idol of Goddess Durga. It is submitted that the independent witnesses have stated that the petitioner did not abuse the informant. There is very specific allegation in the FIR, that it was the petitioner who filthily abused the informant by naming his caste.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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