

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24684 of 2015

Arising Out of PS.Case No. -236 Year- 2014 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Anjesh Rai S/o Shivratan Rai Resident of Village Khodha, P.S. Chiraiya,
District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 14-07-2015

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Chiraiya P.S. Case No. 236 of 2014 registered for the offence under Section-307 & other minor sections of the Indian Penal Code as well as and under Sections-3(i)(x) of SC/ST (Prevention) of Atrocities Act.

It would appear from perusal of the first information report that the alleged occurrence took place in two phases. In first phase, it is stated that petitioner and others, being armed with deadly weapons, went at the door of house of the informant and co-accused, Rakesh Rai uttered the caste name of the informant and after that, the second phase of occurrence took place near a pond, where the informant and two others were assaulted by different persons.

No doubt, the case has been registered under the provisions of SC/ST (Prevention of Atrocities) Act but it appears from perusal of the first information report itself that the alleged occurrence took place on account of fishing from a disputed pond. Moreover, the petitioner is said to be simply a member of unlawful assembly and neither he uttered the caste name of the informant nor assaulted to anyone.

Considering the aforesaid facts and circumstances as well as submission of the parties, in my view, in respect of case of the petitioner, Section-18 of the SC/ST (Prevention of Atrocities) Act is not applicable and accordingly, it is ordered that let the petitioner named above, in the event of his arrest or surrender within four weeks from the date of receipt/production of copy of order in the court below, be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection with Chiraiya P.S. Case No. 236 of 2014 to the satisfaction of Sri Umashankar, Judicial Magistrate-Ist Class, Motihari, East Champaran subject to conditions as laid down u/S 438(2) of the Cr. P.C.

(Hemant Kumar Srivastava, J)

A.K.V./-

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