

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20260 of 2015

Arising Out of PS.Case No. -101 Year- 2014 Thana -SARAI District- VAISHALI(HAJIPUR)

Nagendra Sahani, S/o Kamal Sahani, R/o Village Bhojpatti Nayatola, P.S. Sarai, Dist. Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan (Spl. PP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 23-07-2015 Heard learned counsel for the petitioner and the learned counsel for the State.

The petitioner is apprehending his arrest in connection with Sarai P.S. Case No.101 of 2014 for allegedly having committed the offence under Sections 341, 323, 324, 379, 427, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(x) of the S.C./S.T. Act.

Learned counsel for the petitioner submits that entire allegation against the petitioner is false and fabricated and has been occasioned on account of previous enmity, which is admitted in the F.I.R. itself. Learned counsel for the petitioner further submits that so far as the allegation against the petitioner under section 3(1)(x) of S.C./S.T. Act is concerned, the said place of occurrence does not seem to be a public place; rather it is a point where the *Barat* had assembled for the marriage.

After perusal of the F.I.R. it appears that though several persons have collected together for the marriage

ceremony, there is not a single witness who has been named in the F.I.R. justifying that the alleged offence was, in fact, committed. There being no witness, serious cloud has been cast on the prosecution case.

Considering the aforementioned submissions and also the fact that the petitioner has got a crystal clean antecedent, let the above named petitioner, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Sarai P.S. Case No.101 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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