

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49935 of 2014

Arising Out of PS.Case No. -85 Year- 2012 Thana -BAHADURPUR District- PATNA

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1. Nripendra Kumar Son of Sri Braj Kishore Singh R/o Village Dumra, P.s.
Konch, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat (A.PP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-05-2015 The petitioner is apprehending his arrest in connection with Bahadurpur P.S. Case No. 85 of 2012 for the offence under Sections 143, 147, 148, 149, 323, 307, 504, 506 of the Indian Penal Code, 27 of the Arms Act and 3 (x) of the S.C./S.T.(Prevention of Atrocities) Act.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that the informant on 30.09.2012 was reading in Ambedkar hostel, in the meantime electricity switched off in the hostel, but the same was present in another hostel of the University. In the meantime about 200 students of general hostel of Saidpur reached at the electricity department, abused the students of Kalyan hostel by calling their castes name and assaulted the student of Kalyan hostel by gun, bomb, sword, lathi and danda,

so many students became injured.

It is submitted on behalf of the petitioner that the petitioner is named in the present case and subsequently after a long period a case which was instituted as Bahadurpur P.S. Case No. 09 of 2013, in which the petitioner was made accused and arrested and granted bail, on the basis of the said case the petitioner's name has transpired in the present case also, except for that there is no direct or indirect evidence whatsoever as far as the present case is concerned. Further, it has been submitted that no offence under the S.C./S.T. Act is attracted against the petitioner.

From perusal of the First Information Report, it is apparent that no specific allegation in respect to committing of offence under S.C./S.T. Act has been made out against the petitioner.

On behalf of the State, it has been submitted that the petitioner has not been named in the First Information Report and in course of investigation on the basis of Bahadurpur P.S. Case No. 09 of 2013, the name of the petitioner has inspired in the present case, except that there is no other source, on the basis of which the petitioner has been made accused in the present case.

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 Additional Chief Judicial Magistrate, Patna City in connection with Bahadurpur P.S. Case No. 85 of 2012, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sudhir Singh, J)

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