

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3957 of 2015

Arising Out of PS.Case No. -13 Year- 2014 Thana -BELHAR District- BANKA

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Md. Naushad @ Md. Nausad Ali Son of Late Md. Yusuf Ali, resident of
village- Madhurapur, P.S.- Bihpur (Bhawanipur), District- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar
For the Opposite Party/s : Mr. Sadanand Paswan(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 21-05-2015

The petitioner is apprehending his arrest in connection with Belhar P.S.Case No. 13 of 2014 instituted under Sections 341, 323, 447, 354, 308, 504 and 509 of the Indian Penal Code and Section 3(1)(x)(xi) of SC/ST Act.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that the informant was posted as a contractual Block Teacher in Madhya Vidyalaya, Samta. She was engaged in some essential government work in the chambers of Headmaster on 23.01.2014 . In the meantime , the petitioner came and asked the informant as to why she was sitting at Headmaster's chamber and when the informant did not vacate the place, the petitioner is alleged to have abused her in the name of caste. It is also alleged that the petitioner also assaulted her with fists and slaps. It is further alleged that the petitioner pressed

her neck also.

It is submitted on behalf of the petitioner that the entire incident took place in a room and no offence whatsoever is in public view and so Section 3(1) (x) (xi) is not attracted. Further it has been submitted on behalf of the petitioner that the petitioner was also abused and assaulted regarding which a complaint was made to the Block Education Officer and other competent authority (Annexure 2 to the present application). It is further submitted that the petitioner has no criminal antecedent.

On behalf of the State it has been submitted that the petitioner is named in the FIR.

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 eight 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 Judicial Magistrate, Banka, Bhagalpur in connection with Belhar P.S. Case No. 13 of 2014, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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