

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 16230 of 2015

Arising Out of PS.Case No. -334 Year- 2014 Thana -BODHGAYA District- GAYA

Saryu Prasad @ Sarju Prasad, aged about 80 years S/o Late Sahdev Prasad
Resident of Village Shivpuri Colony, Road No. 5, P.S. Chandaniti, District
Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Dhananjay Kumar Tiwary

For the Opposite Party : Mr. Ambika Bhagat(Spl. P.P.)

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

4 23-07-2015 Heard.

The petitioner seeks anticipatory bail in connection with Bodh Gaya P.S. Case No. 334 of 2014 under Sections 467, 468, 471, 420/34 of the Indian Penal Code and Section 3(i-ii)(i-v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The allegation against the petitioner appears only because he was the Joint Secretary of the society in Bodh Gaya. It was alleged that the land which were acquired by the State under the provisions of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1959 were distributed to the landless persons of the Scheduled Castes and Scheduled Tribes and by duping them, this petitioner got the land transferred to his society.

In face of the allegation, I have made definite enquiry from the learned Additional Public Prosecutor and some parts of the case diary were read over to me and what I find is that the statements which were recorded by the police in investigation indicated as if the petitioner had called meetings of his society and had not drawn up the agenda or minutes of the meeting and when the members had left he had manipulated the agenda or the minutes. The materials which were placed before me from the case diary do not appear relatable to the allegations made against the petitioner, considering which, let the above named petitioner be directed to be released on bail either in the event of his arrest by the police or surrender in the court below on furnishing a bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Bodh Gaya in connection with the above noted case, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dharnidhar Jha, J)

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