

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31122 of 2015

Arising out of PS.Case No. -1 Year- 2015 Thana -SC/ST District- SHEOHAR

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Ram Babu Rai, Son of Ram Bilash Rai, resident of Harnahi, P.S.
Sheohar, District – Sheohar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Alok Kumar Agrawal, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-07-2015 The petitioner is apprehending his arrest in connection with Sheohar SC/ST P.S. Case No. 01 of 2015 for the offences instituted under Sections 341, 323, 354, 379, 504/34 of the I.P.C. and 3(1)(x) of the SC/ST (Prevention of Atrocities) Act.

Heard learned counsel for the petitioner and learned counsel for the State.

The prosecution story, in brief, is that on 05.01.2015 at about 9.30 hours in the day the informant had gone to the fair price shop of the accused Ram Babu Rai who started supplying grain to her which was mixed with stone chips and others and when she refused to take the same, the accused Ram Babu Rai and Shambhu Rai assaulted her with leg, fat and fist and also hurled filthy abuses to her by addressing her by the name of her caste and

they also torn out her wearing clothes and made her necked beside theft of her nose pin.

It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent. It has further been submitted that the petitioner has been made accused due to mistake of fact. From perusal of the F.I.R. itself it is evident that the provision of SC/ST Act has been added only to make the offence grievous. The actual dispute was in respect to supply of grain by the petitioner to the informant. For the sake of argument, it is stated that the alleged occurrence is said to have taken place inside the house where the shop is situated. Hence, the provision of SC/ST Act is not attracted in the present case. Other co-accused has also been granted bail by this Court.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with SC/ST Sheohar P.S. Case No. 01 of 2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sheohar, subject to the

conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

