

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37267 of 2015

Arising Out of PS.Case No. -46 Year- 2012 Thana -HARIJAN PS. District- NALANDA
(BIHARSHARIFF)

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1. Jaikant Prasad @ Jaikant Sharma, son of Late Pokhan Mistri, resident of
Mohalla- Khakhi Baba Chowk, Main Road Hilsa, P.S.- Hilsa, District-
Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 15-09-2015

Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections
341, 323, 307, 504/34 of the Indian Penal Code and 3(1)
(x) of the S.C./S.T.(Prevention of Atrocities) Act.

The prosecution case is that while informant was
going home from his shop the petitioner and Ghanshyam
Kumar and two unknown persons surrounded and abused
by calling caste name. Ghanshyam Kumar assaulted with
iron rod and this petitioner assaulted with wooden plank
to the informant. The informant was being saved by
Surendra Prasad and Ravindra Choudhary.

It is submitted by the learned counsel for the
petitioner that during investigation accusation was not found

true as the two persons Surendra Prasad and Ravindra Choudhary who alleged to have saved the informant, have stated during investigation that the informant was found on the road in the injured condition. Injury has been found simple in nature. The petitioner was not sent up for trial, but differing with the Final Form the cognizance has been taken.

Considering the fact that for the occurrence of 24.09.2012 at 9.00 P.M. the First Information Report was registered on 25.09.2012 at 5.00 P.M. but the same reached to the learned Additional Chief Judicial Magistrate on 01.10.2012 which suggests that First Information Report was registered by antedating and the accusation being not found true during investigation and coupled with the statement made in para-3 of the petition that petitioner has no criminal antecedent, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with S.C./S.T. P.S. Case No. 46 of 2012, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

P.K./-

(Dinesh Kumar Singh, J)

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