

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13962 of 2015

Arising Out of PS.Case No. -45 Year- 2014 Thana -HARIJAN District- SASARAM (ROHTAS)

1. Lallan Singh .

2. Sudarshan Singh

Both sons of Shri Nathuni Singh Resident of village- Ratu Bigaha, P.s- Dehri(Darlmিয়annagar), District- Rohtas.

3. Bhim Sen Prasad Son of Late Jagdeo Singh At present residing at Mathurpur Colony, Panjara, P.S- Dehri, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aaruni Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-04-2015

Heard learned counsels for the petitioners and the State.

The petitioner no. 1 being the Secretary of Ram Kishore Singh College, and petitioner no. 2 being head clerk are apprehending their arrest in a case registered for the offences punishable under Sections 341, 504, 506/34 of the Indian Penal Code and 3(1) (x) of the S.C./S.T.(Prevention of Atrocities) Act.

It is alleged that some teachers of Ram Kishore Singh College, Dalmiyanagar made a complaint with regard to irregularity in disbursement of Government grant in aid on 16.08.2014 to the informant, who is

representative of the University against the petitioner no.

1. The informant made surprise visit to the college on 19.08.2014 but he could not meet anyone. Thereafter the informant again visited the college on 23.08.2014 and asked for certain documents from the Principal who conveyed that the documents are in the custody of petitioner no. 1. Thereafter the informant asked for the documents from the petitioner no. 1 who abused and threatened the informant

On third visit of the informant on 18.09.2014 the Principal Secretary (petitioner no. 1) and the head clerk (petitioner no. 2) supplied all wrong information and abused and detained him for four hours.

It is submitted by learned senior counsel for the petitioners that accusation under the provisions of Indian Penal Code areailable. The only nonailable offence alleged is under section 3(1) (x) of the S.C./S.T.(Prevention of Atrocities) Act. The first accusation in the First Information Report against petitioner no. 1 of abusing the informant by calling caste name on 23.08.2014 does not suggest as it was a place of public view as the informant has stated that petitioner no. 1 abused him when informant met him but informant did not mention the place where he met the petitioner no. 1. The informant alleged that he was abused second time in college on

18.09.2014 but has not stated that any of the person was present at the relevant time. Moreover there is nothing on record that the informant met the petitioners on 18.09.2014 in the college.

It is further submitted by the learned counsel for the petitioners that for the occurrence of 28.03.2014 the First Information Report was registered on 18.09.2014 which was reached before the learned court below on 21.09.2014 which suggests ante dating of First Information Report and during investigation it transpired that on frivolous complaint the informant assumed enquiry in connivance with rival camp of the petitioners.

It is submitted by the learned counsel for the informant and the State that for the misappropriation of grant in aid, the informant went to made enquiry, when he was abused.

Considering the delayed filing of the First Information Report, nature of accusation and delayed reaching of First Information Report before the learned court below which clouds the bonafide of accusation, let the above named petitioners be released on bail in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial

Magistrate, Rohats at Sasaram in connection with SC/ST
(Dehri) P.S. Case No. 45 of 2014, subject to conditions as laid
down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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