

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25868 of 2015

Arising Out of PS.Case No. -13 Year- 2013 Thana -HARIJAN District- PATNA

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1. Vinod Singh, son of Muneshwar Singh, resident of Village- Hathia
Kendra, P.S.- Shainpur, District- Patna.

.... Petitioner/s

Versus

1. The state of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 147, 447, 323, 427, 504 of the Indian Penal Code and Section 3(i)(x) of SC/ST (Prevention of Atrocities) Act.

The prosecution story, in brief, is that on 18.10.2013 at about 9 A.M. the accused persons including the petitioner having armed with lathi, Bhala, country made pistol and spade came at the place of occurrence i.e on Khata no. 828, plot no. 1838 and started to destroy east boundary of the land. On protest the accused persons abused the complainant by naming his caste 'Chamar' and threatened him to kill. It is further alleged that Ashok Rai opened fire with his country made pistol. Other accused persons assaulted the complainant with leg and fist. It is further alleged that accused persons removed fifty feet long and six inch wide boundary of the land from East and North- South and attached in his land, so the complainant received loss of Rs. 5,000/-.

It has been submitted on behalf of the petitioner that no specific allegation has been attributed against the petitioner for committing offence under SC/ST (POA) Act. Further it has been submitted that where the alleged occurrence is said to have taken place, it was an open field where it cannot be claimed that in any manner the informant has been defamed. Further it has been submitted that except for the provisions under SC/ST other sections are bailable.

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 four 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 S.D.J.M., Danapur, Patna, in connection with SC & ST P.S.Case No. 13/2013, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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