

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38481 of 2014

Arising Out of PS.Case No. -12 Year- 2014 Thana -SINGHESHWARASHTHAN District-
MADHEPURA

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1. Sri Rajeev @ Rajeev Kumar Singh s/o Ganesh Prasad Singh Proprietor
Raj Machinery, Head Office House no. 562, Gangjala, P.S. Saharsa, Distt.
Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanat Kumar Mishra

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

For the Informant :- Mr. Dinesh Pd. Verma

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 01-04-2015 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor appearing on behalf of the State.

This is an application seeking anticipatory bail in a case
registered for the offences punishable under Sections 341, 323,
420, 406, 409,504/34 of the Indian Penal Code and Section 3 (1)
(X) of the Scheduled Caste and Scheduled Tribe (Prevention of
Atrocities) Act, 1989.

The submission made on behalf of the petitioner is that
the petitioner who had supplied machinery to the petitioner and
Branch Manager of State Bank of India, Singheshwar Branch have
been made accused in the case on the allegation that defective



machinery was supplied to her. Referring to the First Information Report, learned counsel for the petitioner has submitted that no offence under Section 3(1) (X) of the SC & ST (Prevention of Atrocities) Act, 1989 is made out inasmuch as, there is no specific allegation that the occurrence took place in public view. He has submitted that even if the allegations are taken to be correct, only the petitioner and the Branch Manager of the Bank were said to be present at the time of the occurrence, both of whom are accused in the present case.

Learned counsel for the informant has opposed the prayer and has contended that this application for grant of anticipatory bail is not maintainable as a prima facie case of commission of offence under Section 3(1)m (X) of the SC & ST (Prevention of Atrocities) Act, 1989 is made out.

I am convinced with the submission made on behalf of the petitioner that no offence under Section 3(1) (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 is made out, prima facie, on the basis of allegation as contained in the First Information Report.

This application is accordingly, allowed.

Let petitioner above named in the event of his arrest/surrender within four weeks from today in the court below,

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 the learned Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S. Case No. 12 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Chakradhari Sharan Singh, J)

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