

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45067 of 2014

Arising Out of PS.Case No.- 54 Year-2010 Thana-PUNPUN D- PATNA

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Manoj Kumar Singh Son of Late Raj Nandan Singh Resident of Village -
Paimar Ghat, P.S. - Punpun in the District of Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 16-04-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in G.R.
No.363 of 2014 arising out of Punpun P.S.Case No.54 of 2014 for
the offences under Sections 341, 323, 504, 379, 436/34 of the
I.P.C. and 3(1) (X) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Learned counsel for the petitioner submits that the
present case has been instituted with malicious intent only because
petitioner Manoj Kumar Singh has filed a case against the
informant side on account of the fact that the petitioner had parked
his motor cycle in front of the informant's house which was
damaged by the thela of the son of the informant which was
loaded with bricks. The said bricks were being carried by the son

of the informant of the present case. It is submitted that a quarrel took place between the petitioner and Sonu Paswan in which the petitioner was assaulted by him. It is further submitted that the petitioner filed Punpun P.S. Case no.53/14 in retaliation of which the present case has been filed against the petitioner for the offence under various sections of the I.P.C. and also Section 3(1) (X) of the Scheduled Castes and Scheduled Tribes (prevention of atrocities) Act (hereinafter to be referred to as ('the SC/ST Act')). It is submitted that the said provisions of the Act cannot be invoked as the same does not occur in the public view as is evident from the story made out in the F.I.R.

Considering the aforesaid submissions and the nature of allegation and also considering that it would not come under the purview of the SC/ST Act, let the petitioner, above named, in the event of his arrest or surrender before the court below within two weeks from today be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri B.K. Singh, J.M. 1st Class, Masaurhi in Patna, in Punpun P.S. Case no.54/14 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Anjana Mishra, J)

AnilKrSinha/-

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