

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45749 of 2015

Arising Out of PS.Case No. -47 Year- 2015 Thana -ALAMNAGAR District- MADHEPURA

1. Pappu Kumar Bhagat, Son of Late Manik Chand Bhagat, Resident of Village- Madheli Diara, Police Station- Alamnagar, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-10-2015

Heard Mr. Uday Chand Prasad, learned counsel for the petitioner, and learned Spl. P.P. for the State.

The petitioner apprehends his arrest in Alamnagar P.S. case No. 47/2015 for offences alleged under Section 147, 149, 341, 323, 404, 506, 380 of the Indian Penal Code and under section 3(1) (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

The prosecution case is that the informant took information under Right to Information Act from co-accused, Niranjana Kumar, Headmaster of Singhar Middle School on 24.1.2014, regarding construction of school building and kitchen. The information had been given by the villagers to the District Magistrate in Janta Darbar for action to be taken against



co-accused, Niranjana Kumar, then on 02.04.2015 the petitioner and other accused persons came at the house of informant and pointed fire arms at his chest and threatened him to kill by fire arms if he would raise hulla and they abused the informant by taking his caste name and also told him to return the information received through RTI Act and when the informant protested the accused persons including the petitioner took out cash of Rs. 40,000/- and ornaments from the box and on hulla they fled away.

It has been submitted by learned counsel for the petitioner that the petitioner is innocent and has not committed any offence. It has further been submitted by learned counsel for the petitioner that no offence under SC/ST Act is made out and the allegations are general and omnibus. Further more, it has been submitted by learned counsel for the petitioner that no specific allegation of taking money or any incriminating article is made against the petitioner. He has further submitted that the informant and others brutally assaulted the petitioner and others for which Alamnagar P. S. case No. 46/2015 has been lodged against the informant and others and present case is counter blast to the previous case.

Under the circumstances, in case of arrest or surrender within a period of four six weeks from today before the

court below, the above named petitioner will be enlarged 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 Sub-divisional Judicial Magistrate, Udakishunganj, Madhepura in Alam Nagar P.S. Case No. 47 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

However, since the petitioner is involved in two other cases of similar nature, it is directed that if the petitioner is found to be involved in cases of similar nature in future, the court below shall be at liberty to cancel the bail bonds of the petitioner without being prejudiced by this order.

(Nilu Agrawal, J)

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