

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 51223 of 2014

Arising Out of PS.Case No. -298 Year- 2014 Thana -SAHEBGANJ District- MUZAFFARPUR

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Vijay Singh Son of Harishchandra Singh, Resident of Village-Bhaluhi,
Rasul, P.S-Sahebganj, District-Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 21-05-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Sahebganj
P.S. Case No. 298 of 2014 dated 01.10.2014 instituted under
Sections 341/323/379/504/34 of the Indian Penal Code and
3(1) (x) of the Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989 (hereinafter referred to as
the 'Act').

The allegation against the petitioner is that he
along with two others assaulted the informant and also abused
him by caste name.

Learned counsel for the petitioner submits that
besides being physically handicapped to the extent that he
cannot move without any assistance of others, the allegation is



false and frivolous as the informant is a Zila Parishad member and the petitioner was selling tobacco in a shop where the informant had come and asked for tobacco on credit which was refused due to which he has been falsely implicated. It is submitted that no offence is made out under Section 3 of the Act as the incident did not take place in public view and even the allegation that villagers had come and the petitioner along with others used caste name it not worthy of belief as the said allegation has been written in the fardbeyan clearly lateron which would be apparent ex-facie as the same clearly appears to be an interpolation.

Learned A.P.P. opposes the prayer for anticipatory bail. However, he is not in a position to defend the fact that the allegation of calling by caste name clearly appears to be a latter addition.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in Sahebganj P.S. Case No.298 of 2014, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973. The petitioner shall cooperate in

the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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