

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47588 of 2015

Arising Out of PS.Case No. -277 Year- 2015 Thana -BARBIGHA District- SHEIKHPURA

=====

Bam Singh @ Bambam Singh S/o Sri Kanti Singh Resident of Village-
Pinjari P.S. Barbigha, District Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 02-11-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Barbigha
P.S. Case No. 277 of 2015 dated 14.08.2015 instituted under
Sections 147/148/149/323/448/324/307/380/427/504/506
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 along with
other co-accused is of general and omnibus assault and also
taking away of Rs. 5,000/- and jewellery after breaking the box
in the house of the informant.

Learned counsel for the petitioner submits that
the allegation under the Act is not made out against the
petitioner as the same is said to have made in the house of the

informant and not in public view. It is further submitted that the allegation is false and fabricated as on the one hand the informant admits that they were poor labourers and that is why they were threatened for not doing free labour and on the other hand it is alleged that there was cash of Rs. 5,000/- and jewellery in the house of the informant. It is submitted that the petitioner has clean antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail but is not in a position to controvert the fact that as per the F.I.R. itself the alleged occurrence had not occurred in public view and that the allegation is general and omnibus in nature and specific against the petitioner is of taking away Rs. 5,000/- and jewellery from the box.

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 Judicial Magistrate 1st Class, Sheikhpura in Barbigha P.S. Case No.277 of 2015, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

Anand Kr.

U		T	
---	--	---	--