

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44781 of 2015

Arising Out of PS.Case No. -196 Year- 2015 Thana -TEGHRA District- BEGUSARAI

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Vijay Singh Son of Late Ram Nandan Singh, Resident of Village- Dularpur,
P.S. - Teghra, District - Begusarai.

.... 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

2 14-10-2015

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

The petitioner apprehends arrest in Teghra
P.S. Case No. 196 of 2015 dated 28.06.2015 instituted under
Sections 145/224/353/504/34 of the Indian Penal Code and
3(1)(x) of The Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities), Act, 1989.

The allegation against the petitioner is of
assault and also abuse with the caste name with regard to the
informant and other policemen who had gone there to arrest
the accused of Teghra P.S. Case No. 97 of 2014, namely
Nirmala Devi.

Learned counsel for the petitioner submits
that Nirmala Devi is the aunt of the petitioner and lives in the
same common ancestral house although separate in mess and
the allegation as per Teghra P.S. Case No. 97 of 2014 is that



half kg. of Ganja was recovered from the portion of the house of Nirmala Devi. It is submitted that the allegation becomes false when clearly there is no allegation or whisper in the F.I.R. that there was any firearm or other weapons with the petitioner and other co-accused so as to make a police party of seven persons return empty handed without effecting the arrest. Learned counsel submits that the allegation is clearly with ulterior motive and the falsity would be established from the fact that in Teghra P.S. Case No. 97 of 2014, accused Nirmala Devi had been granted anticipatory bail by a co-ordinate Bench of this Court on 13.01.2015 in Cr. Misc. No. 1263 of 2015 and thus there was no occasion for the police either to go for making arrest or for the petitioner or others to resist the same. Further, as per the allegation itself, it is submitted that it not being in public view, no ingredient is made out of any offence under the Act. Learned counsel submits that the petitioner has no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the allegation against the petitioner is of assaulting the police party and also using caste name against them.

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 Chief Judicial Magistrate, Begusarai in Teghra P.S. Case No. 196 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. 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 also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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