

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43171 of 2015

Arising Out of PS.Case No. -72 Year- 2015 Thana -KATIHAR MUFFASIL District- KATIHAR

Mokim Mian S/o- Akhtar Mian, R/o. Vill.- Mokhdampur, Haflaganj, P.S.-
Katihar (Muffasil), Distt- Katihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 01-12-2015 Heard learned counsel for the petitioner and learned
Additional P.P. for the State.

The petitioner seeks anticipatory bail in a case under
Sections 341, 323, 307, 379, 504/34 IPC and Section 3(i)(s) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act.

It is submitted by learned counsel for the petitioner that
the allegation of taking the caste name has been only introduced so
as to bring the case within the purview of SC/ST Act. It is further
submitted that only family members of the informant have
supported the case and no independent witness has come out in
support of the case. Learned counsel also submits that the
petitioner does not have any criminal antecedent.

Learned APP, on the other hand, submits that the case of
the informant cannot be brushed aside since the informant has

received as many as three injuries by sharp-cutting weapon, which corroborates the statement made in the FIR of having been attacked by chura by the accused persons including the petitioner.

Learned counsel for the petitioner, however, sought to reiterate that the independent witnesses have only spoken against Shamsul Mian and not the petitioner and further the petitioner has also received injuries and thus it was not a one-sided assault against the petitioner.

Considering the facts and circumstances of the case, this Court does not consider it to be a fit case for grant of anticipatory bail to the petitioner. Prayer for anticipatory bail is, accordingly, rejected.

(Ramesh Kumar Datta, J)

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