

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8209 of 2016

Arising Out of PS.Case No. -388 Year- 2015 Thana -BARBIGHA District- SEKHPURA

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Chandan Kumar @ Chandan Singh, son of Parmndand Singh, resident of
Village Kuserhi, P.S. Barbigha, District Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-02-2016 Heard learned counsel for the petitioner and
learned Special Public Prosecutor for the State.

Petitioner apprehends arrest in connection with
Barbigha (Kewati O.P.) P.S. Case No. 388/15 for offences alleged
under Sections 448, 323, 504, 506, 34 of the Indian Penal Code
and under Section 3 (i)(x) of the SC/ST(Prevention of Atrocities)
Act.

The prosecution case, as lodged by the informant,
is that on 06.11.2015 at 08.00 A.M. while he was sitting at the
door of his house, his co-villagers Pintu Singh, Gunjan Singh and
Chandan Singh came there and asked him as to whom he has
voted in the general election. Informant replied to have cast his
vote on “Fan Chhap”, on which they began to abuse him saying

‘Mushar’ as to why he not voted on ‘Punja Chhap’ and Gunjan Singh, Pintu Singh and Chandan Singh began to assault him by danda, as a result of which he fell down. On alarm being raised by the informant villagers came there and all the three fled away.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case due to dirty village politics. He has no criminal antecedent, as is evident from paragraph 3 of this petition and the allegation against him is general and omnibus. Counsel for the petitioner further contends that all the Sections are bailable and even Section 3(i)(x) of the SC/ST (Prevention of Atrocities) Act is not applicable against this petitioner, as the occurrence took place at the house of the informant and not at a public place.

Learned APP for the State, however, submits that the petitioner is named in the First Information Report and opposes the prayer for bail.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 2nd, Sheikhpura, in

connection with Barbigha (Kewati O.P.) P.S. Case No. 388/15,
subject to the conditions as laid down under Section 438(2)
Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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