

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10088 of 2016

Arising Out of PS.Case No. -293 Year- 2013 Thana -CHAPRA MUFFASIL District- SARAN

=====

1. Pawan Kumar Pandey Son of Brahmanand Pandey, resident of village-
Marahiya, P.S. Chapra Muffasil, District Saran at Chapra

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.Pp)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-05-2016 Heard learned counsel for the petitioner and learned
Special Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Chapra Muffasil P. S. Case No. 293 of 2013 for offences
alleged under Sections 147, 148, 341, 323, 324, 448, 379, 506
of the Indian Penal Code and Section 3(x) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case as lodged by the informant is
that on 28.12.2013 at 8 A.M. his co-villagers namely Rajiv
Kumar, Prashant Kumar and Nitesh Kumar came to him and
said to do their work. When the informant refused they started
abusing him by using his caste name and thereafter they went
away. He has further alleged that at 4 P.M. accused Rajeev



Kumar armed with rod, Prasant Kumar with Daab and Chunmun Pandey with Kudal along with other co-accused came at his door and started abusive word. In the meantime Rajeev Kumar with intention to commit his murder gave iron rod blow on his head causing injury to him and he fell down and when his brother Tufani Manjhi and Bhabhi came to save then they were also assaulted. It has further been alleged that all the accused persons including this petitioner assaulted the Bhabhi and other inmates of his family.

It has been submitted by the learned counsel for the petitioner that he is innocent having no criminal antecedent and the allegation of abuse of his caste and the SC/ST Act is not applicable as the incident occurred in the house of the informant. He further submits that the allegation upon the petitioner is of assault by **Danda** on the sister-in-law of the informant which has been found to be simple in nature in the injury report. He further submits that the petitioner is a Government servant posted as Sub-Inspector of Border Security Force and the allegation upon the petitioner is general and omnibus. He further submits that there is a compromise entered into between the informant and the petitioner side.

However, the learned Special Public Prosecutor for

the State submits that the petitioner is named in the F.I.R. and although, the injury on the sister-in-law of the informant has been found to be simple in nature, but, opposes the prayer of bail.

Be that as it may, since the petitioner is a Government servant and the allegation not being specific, injury report of assault by the petitioner having been found to be simple in nature, let the 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 bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P. S. Case No. 293 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

ajaypd./-

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