

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21367 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -BAHADURGANJ District- KISANGANJ

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1. Mukesh Kumar Basak, Son of Jivan Lal Basak, resident of Village-Basak Tola Ward No. 9 Bahadurganj, P.S.- Bahadurganj, District-Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha

For the Opposite Party/s : Mr. A.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 21-07-2016 Heard both sides.

The petitioner apprehends his arrest in Bahadurganj P.S. case No. 6 of 2016 under Section 384 and other sections of the Indian Penal Code and under section 3(1) (x) of the SC/ST Act.

The informant alleged that the petitioner had taken Rs. 1,50,000/- from him for purchasing house construction materials but he did not return the money. The petitioner has issued a cheque worth Rs. 40,000/- but the same was dishonoured and when the informant went to demand money the petitioner abused him by naming his caste and thereafter petitioner and others came to the house of informant and abused him and

assaulted the informant and his other family members.

It is submitted that save and except family members of the informant, nobody has supported the case of prosecution and independent witnesses have stated that no occurrence, as alleged by the informant, has taken place. The petitioner also belongs to Scheduled Caste and, therefore, no offence under Section 3(1) (x) of the SC/ ST Act is made out.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in Bahadurganj P.S. Case No. 6 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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