

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7607 of 2016

Arising Out of PS.Case No. -19 Year- 2015 Thana -HARIZAN District- MUNGER

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Gurudeo Mandal son of Late Karamchand Mandal, resident of Village-
Vijay Nagar, P.S.- Bariyarpur, District- Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 18-03-2016 Heard learned counsel, appearing on behalf of the

petitioner, and the learned Addl. Public Prosecutor, appearing on

behalf of the State.

This application for grant of anticipatory bail arises out of
Munger SC/ST P.S. Case No. 19/2015, disclosing offences under
sections 341, 323, 353, 447, 427, 379 and 504 of the Indian penal
Code and section 3(i)(x) of the SC/ST (Prevention of Atrocities)
Act (hereinafter referred to as 'the Act').

The informant at the relevant point of time was working
as Headmaster of a school. The allegation is that this petitioner
alongwith other co-accused persons, some of them are females,
came to the school, assaulted him and abused him taking his caste
name.

Learned counsel for the petitioner submits that the



occurrence is said to have taken place on 3.7.2015, whereas from the First Information Report it would transpire that the information in this regard was given to the Police Station on 10.7.2015. He submits that delay in institution of the F.I.R. creates serious doubt over veracity of allegation made against the petitioner and other co-accused persons. He further submits that making the allegations for the purpose of constituting an offence under section 3(i)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act is apparently an abuse of the process of law in the facts and circumstances of the case. It has also been submitted that a complaint case has been filed against the informant, making the allegations against him, which constitute offence punishable under sections 323 and 354 of the Indian Penal Code.

Learned counsel, appearing on behalf of the informant, on the other hand, has strenuously opposed the prayer for anticipatory bail and has submitted that there is bar under section 18 of the Act against grant of anticipatory bail in a case registered for the offence alleged against the petitioner.

I have perused the First Information Report. I am prima facie of the view that the allegation constituting offence under section 3(i)(x) of the SC/ST Act is ornamental in nature. The dispute lies somewhere else. I do not find any explanation for

delay of seven days in lodging of the F.I.R.

Learned counsel for the informant has submitted that the informant had given information about the occurrence on 5.7.2015 to the Block Education Officer.

Be that as it may, in view of nature of accusation and the facts and circumstances of the case, this application is allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six 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 the A.C.J.M., Munger in Munger SC/ST P.S.Case No. 19/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present himself before the police/ court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is made clear that the observations made in this order are tentative in nature and shall not prejudice any party in course of trial.

(Chakradhari Sharan Singh, J)

Surendra/-

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