

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19103 of 2016

Arising Out of PS.Case No. -95 Year- 2015 Thana -SIGORI District- PATNA

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Binay Yadav @ Billu Yadav Son of Sudeshwar Yadav, Resident of Village
- Chandhos, P.S. - Sigori, District - Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 12-05-2016 Heard learned counsel for the petitioner and the learned
Addl. Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out
of Sigori P.S.Case No. 95/2015, disclosing offences under sections
341, 323, 325, 326, 504/34 of the Indian Penal Code and section
3(i)(x) of the SC/ST Act.

Learned counsel for the petitioner has submitted that no
offence under section 3(i)(x) of the Scheduled Caste and
Scheduled Tribe (Prevention of Atrocities) Act is made out as
there is no allegation that the petitioner abused him taking his
caste name. It has further been submitted that it is not alleged in
the F.I.R. that the accused persons assaulted the informant because
he belonged to a particular caste in order to humiliate him. The
allegation is of assaulting the informant with lathi. Learned

counsel for the petitioner has submitted that no grievous injury has been found.

I find substance in the submission made on behalf of the petitioner that upon perusal of the F.I.R. no offence under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is made out. This application is, accordingly, 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 Sri Shyamal Kumar, Judicial Magistrate, 1st Class, Danapur, Patna in Sigori P.S.Case No. 95/2015, 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.

(Chakradhari Sharan Singh, J)

Surendra/-

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