

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48832 of 2015

Arising out of PS.Case No. -438 Year- 2014 Thana -MASAURHI District- PATNA

Rajiv Kumar @ Pintu Singh, Son of Nawal Kishore Singh, R/o Village - Harbanspur, P.S. - Masaurhi, District - Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Uma Shankar Sharma, Advocate.

For the Opposite Party : Mr. Sadanand Paswan(Spl.App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-02-2016 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Masaurhi P.S. Case No. 438 of 2014 for the offences instituted under Sections 341, 323, 504 of the IPC. and 3(1)(x) of the SC/ST (Prevention of Atrocities) Act.

The prosecution story, in brief, is that the petitioner was pressurizing the informant, who is a Head clerk at Block Office, Masaurhi, to pass his bill and on refusal by the informant that he is not assigned the work to pass bills, petitioner hurled filthy abuses on him as also called him by his caste name in presence of several colleagues present in the office and threatened to kill him. It has been further alleged that the petitioner had affixed grill in the staff

quarter occupied by Sri Bhikhari Charan Mahto, Prakhand Panchayat Raj Padadhikari, Masaurhi.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. Except for the provisions of SC/ST Act, all the Sections are bailable. From perusal of the case diary, it is evident that there is not a single eye witness to suggest that the occurrence had taken place in his presence. Hence, admittedly no such offence was committed under the provisions of SC/ST Act which was in public view. Subsequently, the informant has filed a petition in the learned court below where he has admitted that the case has been filed due to mistake of fact. The same is Annexure-2 to the present application.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Masaurhi P.S. Case No. 438/2014 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Masaurhi, Patna, subject to

the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

