

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38341 of 2016

Arising Out of PS.Case No. -59 Year- 2015 Thana -RAUTARA District- KATIHAR

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Dev Narayan Rishi, S/o- Late Parmeshwar Rishi, R/o- Vaida, P.S.- Korha,
Distt- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 17-09-2016 Heard Sri Sanjeev Kumar Singh, learned counsel for
the petitioner and Sri Sadanand Paswan, learned Special Public
Prosecutor for the Schedule Castes & Schedule Tribes (Prevention of Atrocities) Act.

The sole petitioner, apprehending his arrest in Rautara
P.S. Case No. 59 of 2015 registered for the offence under Section
323, 307/ 34, 386, 504, 506 of the Indian Penal Code and
Section 3 /4 of the Schedule Caste & Schedule Tribe (Prevention
of Atrocities) Act , has prayed for grant of bail in the event of
his arrest or surrender.

It was submitted that in land dispute color of criminal
offence has been given by the informant. He further submits that
petitioner being a member of schedule caste is not liable to be
held guilty under the provisions of Schedule Caste & Schedule

Tribe (Prevention of Atrocities) Act. By way of referring to paragraph no. - 9 of the petition it has been submitted that petitioner is member of schedule caste. So far allegation of Section 307 of the Indian Penal Code is concerned, he submits that apparently on perusal of the complaint petition which is the basis of F.I.R. it is evident that no offence under Section 307 of the Indian Penal Code is made out.

Considering the facts and circumstances particularly the fact that petitioner as stated in the petition belongs to schedule caste category and nature of accusation, the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioner Dev Narayan Rishi be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri M.K. Jha, Judicial Magistrate 1st Class, Katihar / concerned court in connection with Rautara P.S. Case No. 59 of 2015 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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