

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29055 of 2016

Arising Out of PS.Case No. -206 Year- 2014 Thana -SONEPUR District- SARAN

1. BITU KUMAR S/o Amod Sharma resident of village Ismile Chak, P.S. Sonepur, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.A Pp)

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 26-07-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Sonepur P.S. Case no. 206 of 2014 registered under sections 147, 341, 323, 307, 379, 427 and 504 of the Indian Penal Code and Section 3(1)(x) of the S.C./S.T. (Prevention of Atrocities) Act.

It is submitted that there is no specific allegation against the petitioner that he used any derogatory remarks against the informant of the case. There is general and omnibus allegation against him that he was a member of the unlawful assembly. In that view of the matter, it has been submitted that the ingredients of the offences punishable under section 3(1)(x) of the S.C./S.T. (Prevention of Atrocities) Act could not be attracted as against the

petitioner. It is further contended that co-accused Sunil Kumar Sharma, Pintu @ Pintu Kumar, Chhotu Kumar, Dhunmun Kumar, and Sunil Sharma have already been granted pre-arrest bail by a Bench of this Court vide order dated 30.10.2015 passed in Criminal Misc. No. 44730 of 2015. Similarly, co-accused Dheeraj Kumar has also been granted pre-arrest bail by a Bench of this Court by order dated 13.04.2016 passed in Criminal Misc. No. 10111 of 2016.

Learned counsel for the State does not dispute the aforesaid contention made by the learned counsel for the petitioner.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioner named above is directed to be released 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 the learned Chief Judicial Magistrate Saran at Chapra subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Ashwani Kumar Singh, J)

Amin/-

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