

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13779 of 2016

Arising Out of PS.Case No. -284 Year- 2015 Thana -RAJAUN District- BANKA

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Sushil Sah son of Late Radhe Sah, resident of village- Punsiya, Police
Station- Rajoun, District- Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the State : Mr. Ram Shankar Das, Spl. APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 01-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Rajoun P.S. Case No.284 of 2015 registered under Sections 323,
376, 511 and 504 of the Indian Penal Code and section 3(1)(ix)(x)
of the Scheduled Castes and the Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (for short “ the SC/ST Act”)

It is contended that there is no allegation that the
petitioner intentionally insulted or intimidated the complainant in
any place within public view and, therefore, there will be no
application of the provision prescribed under the SC/ST Act. It is
further contended that though occurrence is alleged to have taken
place on 6.9.2015, the complaint was filed on 3.10.2015 which

was referred to the police under section 156(3) of the Code of Criminal Procedure for investigation pursuant to which the FIR was registered on 12.12.2015. It is further contended that no reasonable explanation has been given for inordinate delay in filing the complaint.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within four weeks from today, the petitioner, namely, Sushil Sah is directed to 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 learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S.Case No. 284 of 2015 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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