

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32052 of 2016

Arising Out of PS.Case No. -467 Year- 2015 Thana -JEHANABAD District- JEHANABAD

1. Diwali Kumar
2. Vikash Kumar
Both Sons of Late Rajendra Yadav, Resident of Village- Kanudi,
P.S -Jehanabad (Karuna O.P) District Jehanbad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, Spl.P.P., S.C/ST Act

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 26-09-2016 Learned counsel for the petitioners submits that

Petitioner No.1, Diwali Kumar, has been taken into custody
and, therefore, this application, as against him, has become
infructuous. He thus prays leave of this Court to withdraw this
application as against petitioner No.1.

Liberty is granted.

The application, as against Petitioner No.1, is, thus,
dismissed as infructuous.

The case will now proceed against Petitioner No.2,
Vikas Kumar.

Heard learned counsel for Petitioner No.2 and the
learned counsel appearing on behalf of the State.

The Petitioner No.2 is apprehending his arrest in connection with Jehanabad P.S. Case No.467 of 2015 for allegedly having committed the offence under Sections 341, 323, 337, 427, 504, 506/34 of the Indian Penal Code and Section 3(i)(x) of the S.C./S.T. Act.

It is submitted on behalf of the petitioner that all the allegations made against the petitioner are under bailable Sections and only to make the charge graver, the provisions of Section 3(i)(x) of the S.C./S.T. Act had been introduced in connection with the present case. Admittedly, the occurrence took place at the *Darwaza* of the informant and not at a public place. It is further submitted that the use of caste name has also not been alleged, but merely the use of abusive language has been stated in the F.I.R.

Considering the aforementioned facts and circumstances and that no case is made out under the relevant provisions of Section 3(i)(x) of the S.C./S.T. Act, and also that the petitioner has no criminal antecedents, let the Petitioner No.2, namely, Vikash Kumar, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten

thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad, in connection with Jehanabad P.S. Case No.467 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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