

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49169 of 2015

Arising Out of PS.Case No. -55 Year- 2015 Thana -AKHODHIGOLA District- SASARAM
(ROHTAS)

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Sanjay Mahto @ Sanjay Kumar Son of Gurucharan Mahato resident of
village - Ahibaran Bigha, P.S. Akorhigola, Distt. - Rohtas

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-02-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 147, 341, 232, 504 and 307 of the Indian Penal Code and Section 3 (1) (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

Allegation against the petitioner is that he fired shot upon the son of the informant and also called him by his caste name.

It is submitted on behalf of the petitioner that he has got no criminal antecedent. From perusal of the F.I.R. it appears that the alleged occurrence is said to have taken place on 5.5.2015 but the F.I.R. was instituted on 7.5.2015. The delay has not been explained by the prosecution. The injury is said to be caused on the non-vital part of the body. Hence, no offence under Section 307 of the Indian Penal Code is attracted. As far as the provision under Section Scheduled Caste and Scheduled Tribe Act is concerned, the occurrence is said to have not taken place in the public view.

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

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Akorhigola P.S. Case no. 55 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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