

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14024 of 2016

Arising Out of PS.Case No. -645 Year- 2015 Thana -NAUBATPUR District- PATNA

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1. Raj Kishore Sharma Son of Late Lalkant Sharma, Resident of village- Chesi, P.S.- Naubatpur, District- Patna			Petitioner
Versus			

1. The State of Bihar			Opposite Party
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Appearance :

For the Petitioner/s : Mr. Digvijay Narayan Singh

For the Opposite Party/s : Mr. Ambika Bhagat(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 18-04-2016 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Naubatpur Police Station Case No. 645 of 2015, disclosing offences under Sections 341, 323, 448, 504, 50634 of the Indian Penal Code and Section 3 (i) (x) (xi) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act.

I find substance in the submission made on behalf of the petitioner that no offence under Section 3 (i) (x) (xi) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act is prima facie made out on the basis of the allegation as contained in the First Information Report inasmuch as there is no allegation that the occurrence had taken place within public view. It has further been submitted that alleged occurrence is said to

have taken place over a petty dispute of dog bite. It has further been submitted that allegation of opening fire is merely ornamental in nature. The petitioner has no criminal antecedent, as stated in paragraph 3 of the application.

Considering the submission, as above, this application is allowed.

Let the petitioner, Raj Kishore Sharma, in the event of his arrest or surrender before the Court below within six weeks, 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 Shri Madhvendra, Judicial Magistrate, 1st Class, Danapur, Patna, in connection with Naubatpur Police Station Case No. 645 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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