

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17718 of 2016

Arising Out of PS.Case No. -196 Year- 2013 Thana -SC/ST PS District-
EASTCHAMPARAN(MOTIHARI)

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Lalan Prasad Mukhiya @ Lallan Prasad, son of Bisheshwar Prasad, resident
of Village- Chintamanpur, P.S.- Pipra, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 29-06-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of SC/ST (Motihari) P.S. Case No. 196 of 2013, disclosing
offences under Sections 504, 506, 353 and 379 of the Indian Penal
Code and Section 3 (1)(x)(xi) 2 (vi), (vii) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities), Act, 1989.

The petitioner is Mukhiya of Chintamanpur Gram
Panchayat whereas, the informant was, at the relevant point of
time, posted as Child Development Project Officer, Chakiya,
Motihari. The occurrence is of 12.11.2013, for which the
informant lodged the First Information Report on 21.11.2013.



Learned counsel for the petitioner has submitted that the Police, in course of investigation, have found that no offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 is made out against the petitioner, on the basis of materials, collected in course of investigation. He has, accordingly, submitted that this application under Section 438 of the Code of Criminal Procedure is maintainable. He has further submitted that lodging of the present First Information Report, is, in fact, counter-blast of earlier First Information Report, lodged by the father of the petitioner on the date of occurrence itself, i.e., 12.11.2013 registered as Chakiya P.S. Case No. 231 of 2013.

Considering that there is some apparent dispute with respect to the selection of Anganbari Sewika between the petitioner and the informant, which led to the occurrence and the allegations and counter allegations made in the First Information Reports, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in

connection with SC/ST (Motihari) P.S. Case No. 196 of 2013, subject to the conditions as 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-

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