

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27593 of 2016

Arising Out of PS.Case No. -491 Year- 2015 Thana -BARACHATTI District- GAYA

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1. Sudama Yadav Son of Kesho Yadav resident of Village - Durjan Khap,
P.S. - Mohanpur (Barachatti), District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. Anusaiya Jaiswal(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 01-08-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 341/342/323/307/325 of the Indian Penal Code, Section 25(1-b)a, 26, 27 of the Arms Act and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioner submits that there is an allegation against the petitioner under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the same is wholly frivolous and misconceived as neither did the event occur at a public place nor were any independent witness available to support the case. Thus, the allegation against the petitioner under the S.C.S.T. Act, cannot be

sustained. So far as the allegations against the petitioner under the other Sections are concerned, most of them are bailable, excluding Section 307 of the Indian Penal Code but the injury which is purported to have been inflicted has also not been proved.

Considering the nature of allegations made and that no case is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Act, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 491/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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