

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36751 of 2016

Arising Out of PS.Case No. -83 Year- 2016 Thana -SIMRI District- BUXAR

1. Niraj Pathak
2. Dhiraj Pathak Both sons of Sri Triyogi Nath Pathak, resident of Village-
Niyajipur, P.S- Simri, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shree Kant Pandey

For the Opposite Party/s : Mr. Sri Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 06-09-2016 Learned Counsel for the petitioners, at the very outset, submits that during the pendency of this application, petitioner no. 1, namely, Niraj Pathak, has been arrested and this application, so far as petitioner no. 1 is concerned, has become infructuous.

This application stands dismissed as having become infructuous so far as petitioner no. 1, Niraj Pathak, is concerned.

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Simri Police Station Case No. 83 of 2016, disclosing offences under Sections 147, 149, 341, 323, 325,

307, 379, 353, 354, 332, 333, 337, 338, 427, 504, 506, 188 of the Indian Penal Code and Sections 3 (i) (vii) (x) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act.

There are 33 persons named in the First Information Report, including petitioner no. 2.

Allegedly, the FIR named persons and 200 others assaulted the informant and other personnel, who were deputed on election duty during preceding Gram Panchayat Election.

Learned Counsel appearing on behalf of the petitioner has submitted that the petitioner no. 2 has been named, giving the details of his parentage and address, by the informant, who is Circle Officer, which is not possible. He has accordingly submitted that because of local politics, at the instance of people disposed against the accused persons, the First Information Report has been lodged. He has also submitted that the allegations are vague and no specific case under Section 3 (i) (vii) (x) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act is made out.

Considering the above submissions, this application is allowed.

Let the petitioner no. 2, namely, Dhiraj Pathak,

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 learned Chief Judicial Magistrate, Buxar, in connection with Simri Police Station Case No. 83 of 2016, 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 no. 2 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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