

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16283 of 2016

Arising Out of PS.Case No. -261 Year- 2014 Thana -SAKRA District- MUZAFFARPUR

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1. Abnesh Sah @ Aminesh Sah, Son of Late Ram Narayan Sah @ Late Ram Narayan Prasad
2. Dinesh Sah @ Dinesh Kumar Sah, Son of Late Ram Narayan Sah @ Late Ram Narayan Prasad
3. Ram Prasad Sah @ Ram Pratap Sah, Son of Gyani Sah,
All Resident of Village - Sarmastpur, P.S. - Sakra, District - Muzaffarpur
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate.

For the Opposite Party/s : Mrs. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-08-2016

Heard both sides.

The petitioners, namely, Abnesh Sah @ Aminesh Sah, Dinesh Sah @ Dinesh Kumar Sah and Ram Prasad Sah @ Ram Pratap Sah, apprehend their arrest in Sakra P.S. Case No. 261/2014 registered under Sections 307, 325 and other sections of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant alleged that he got down from the bus and his nephew was waiting for him with motorcycle but the accused persons (the petitioners) intercepted the informant, abused him by naming his caste and also assaulted him with fists and slaps. Learned counsel for the petitioners submits that the entire

allegation is false and concocted. The true fact is that the informant was driving the motorcycle rashly and negligently and dashed petitioner no. 2 Dinesh Sah. Dinesh Sah got injury all over his body and he was admitted in the hospital. On the basis of the Fardbeyan of Dinesh Sah, Sakra P.S. Case No. 287/2014 was registered.

It appears that petitioner no. 2 Dinesh Sah got lacerated wound all over his body and there appears on the face of it that such injury cannot be caused on account of being dashed by the motorcycle. The informant also got many injuries although most of the injuries are simple in nature except the one found on his hand but there is a specific allegation against the petitioners that they abused the informant by naming his caste and assaulted him with fists and slaps and also broke his hand.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail in Sakara P.S. Case No. 261 of 2014. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the court below shall consider the prayer for regular bail of the petitioner without being prejudiced by this order.

(Prabhat Kumar Jha, J)

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