

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71361 of 2018

Arising Out of PS. Case No.-9 Year-2018 Thana- SALAKHUA District- Saharsa

Angad Chaudhary @ Chodhary S/o Lal Mohar Chaudhary Resident of Village
- Hathra, P.S. Salkhua, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh

For the Opposite Party/s : Smt. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 05-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 448, 504, 506 of the Indian Penal Code, Section 37(c) of the Bihar Prohibition and Excise Act, 2016, Section 27 of the Arms Act and Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”).

The office has pointed out that since the FIR has been registered for offences under the SC/ST Act also, hence, appeal under Section 14(2) of the said Act should have been preferred instead of this application under Section 439 and 440 of the Code of Criminal Procedure for regular bail.

Submission of the learned counsel for the petitioner is



that though the FIR was registered for offences under Sections 448, 504, 506 of the Indian Penal Code, Section 37(c) of the Bihar Prohibition and Excise Act, 2016, Section 27 of the Arms Act and Section 3(1)(r) of the SC/ST Act.

However, after conclusion of the investigation and submission of report under Section 173 Cr.P.C., the learned Special Judge, Excise Act, has taken cognizance for other offences excluding the offences of the SC/ST Act on the ground that there is no sufficient material for the same. It has been informed that two separate courts are functioning as Special Judge, SC/ST Act, and Special Judge, Excise Act. There is nothing on the record as to under what circumstances, the matter was not placed before the Special Judge, SC/ST Act.

Let the defect be ignored.

Petitioner is in custody since 18.01.2018. Allegation is that he had consumed wine and after taking wine, he abused and humiliate to a member of the scheduled caste.

Considering the nature of allegation and period already undergone, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in



connection with Salkhua Police Station Case No. 09 of 2018 corresponding to the Special Excise Case No. 33 of 2018, subject to the condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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