

Arising Out of PS. Case No.-528 Year-2018 Thana- MASAUDHI District- Patna

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... .. Appellant/s

Versus

... .. Respondent/s

For the Appellant/s : Mr. Satish Chandra
For the Respondent/s : Mrs. Usha Kumari 1

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For the Respondent/s : Mrs. Usha Kumari 1

ORAL ORDER

learned Special Public Prosecutor for the State.

On protest made by the informant over



removing of the broken electric pole six named accused persons including the appellant and 10-15 unknown miscreants descending at the house of the informant started slating him in the name of caste. Co-accused Raj Kumar snatched the ornaments of his wife and then left the scene. Again after one hour they arrived at his house and pelted stones inflicting injury to his nephew, namely, Rustam Kumar and Sanjay Viswakarma. Co-accused Raja Kumar and the appellant also resorted firing but they were left unhurt.

It is submitted by learned counsel for the appellant that the appellant has no occurrence with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There were altogether 21 persons present at the place of occurrence but the informant has not stated in specific as who slated him in the name of caste. None has sustained any sort of injury in the occurrence. No incriminating article has been recovered from the conscious physical possession of the appellant. There is an inordinate delay of three days in lodging the F.I.R. without



assigning any plausible explanation for the said delay.
Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the
prayer for bail.

In the facts and circumstances of the case, the
above named appellant, in the event of his arrest or
surrender before the learned Court below within a period of
six weeks from today, be released on bail on furnishing bail
bond of Rs. 10,000/- (Rupees Ten Thousand) with two
sureties of the like amount each to the satisfaction of the
learned Additional Sessions Judge-XIII-cum Special Judge
SC/ST Act, Patna in connection with Masaurhi P.S. Case
No. 528 of 2018 (arising out of Special Case No.376 of
2018), subject to the condition as laid down under Section
438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and
this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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