

(2014) 04 PAT CK 0023

In the Patna High Court

Case No : Criminal Miscellaneous No. 18212 of 2014

Satyanand and Amresh Kumar

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 23-04-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438(2)

Penal Code, 1860 (IPC) — Section 379

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)(x)

Citation : (2014) 04 PAT CK 0023

Hon'ble Judges : Jitendra Mohan Sharma, J

Bench : Single Bench

Advocate : Prabhakar Tekriwal, Advocate for the Appellant; Ambika Bhagat, Special P.P, Advocate for the Respondent

Judgement

Jitendra Mohan Sharma, J.—Heard learned counsel for the petitioners and learned Special P.P. for the State.

2. Allegedly when the meeting of the State Consultative Committee of Bihar region of Food Corporation of India was going on and the informant and other members of the Committee were discussing with the General Manager, Deputy General Manager and other officials of the Food Corporation of India, the other members were highlighting the scam in the F.C.I., Bihar region, then the petitioners, who are the General Manager and Deputy General Manager, having fire arms in their hands along with anti social elements armed with lathi, Danda and iron rod started abusing by uttering Dusadh Chamar and also assaulted the informant and others and further snatched Rs. 11000/- and one wrist watch from the pocket of the informant causing threats to kill and thereafter snatched gold chain and cash of Rs. 5000/- from Subodh Paswan, Ex-M.L.A. and assaulted him with rod by using the word Harijan and also using filthy languages. It is further alleged that other members Ram Chandra Paswan, Ram Dahin Nirala, Nawal Kishore Sahi and Satish Chandra Mishra were also manhandled and their

respective cash and chains were also snatched away.

3. Learned counsel for the petitioners seeks the privilege of pre-arrest bail of the petitioners placing their innocence, false implication and submitting that this case is the counter case of Gandhi Maidan P.S. Case No. 15/14 which was also lodged earlier on the same date. The prosecution story as alleged in this case appears not probable and reliable, no fire arm has been recovered, both the petitioners are highly placed Officers of the Central Government, offences u/s 379 of the Indian Penal Code and section 3(1)(x) of the S.C./S.T. (Prevention of Atrocities) Act are super addition to make the case non-bailable as the offence as alleged was not committed within public view. In this connection learned counsel for the petitioners has placed reliance upon a decision of the Apex Court in the case of Gorige Pentaiah Vs. State of A.P. and Others, .

4. Learned Special P.P. opposed the prayer for pre-arrest bail of the petitioners by submitting that the allegations alleged against the petitioners are serious in nature but fairly submits that this case has been lodged after lodging of the F.I.R. of Gandhi Maidan P.S. Case No. 15 of 2014.

5. Having considered the submissions urged at the Bar, going through both the first information reports and noticing that this case is the counter case of Gandhi Maidan P.S. Case No. 15 of 2014, there is allegation and counter allegation and further finding force in the submission of the learned counsel for the petitioners that Section 379 of the Indian Penal Code and Section 3(1)(x) of the S.C./S.T. (Prevention of Atrocities) Act are super addition, let the petitioners above named, in the event of their arrest or surrender in the court below within one month from today, be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna in connection with Gandhi Maidan P.S. Case No. 17 of 2014 subject to the conditions laid down u/s 438(2) of the Code of Criminal Procedure, 1973.