

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 17161 of 2015

Arising Out of PS.Case No. -272 Year- 2014 Thana -PIPRA District- EASTCHAMPARAN (MOTIHARI)

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1. Guddu Singh @ Guddu Kumar Singh S/o Late Nathuni Singh
 2. Kashinath Singh @ Kashi Singh S/o Late Ram Awatar Singh
 3. Pintu Singh S/o Late Bhagwat Singh
 4. Prabhunath Singh S/o Late Ram Awatar Singh
 5. Pappu Singh S/o Devendra Singh
 6. Daroga Mukhiya S/o Jyotik Mukhiya All resident of village - Tikuliya, P.S. Pipra, District - East Champaran

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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With

Criminal Miscellaneous No. 22179 of 2015

Arising Out of PS.Case No. -272 Year- 2014 Thana -PIPRA District- EASTCHAMPARAN (MOTIHARI)

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Bhola Prasad Son of Jaleshwar Bhagat resident of Village - Khairimal, Police Station - Pipra, Distt. - East Champaran at Motihari

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 23-07-2015 Heard.

Let the petitioners surrender and pray for regular bail before CJM, Motihari, East Champaran in connection with Pipra P.S. Case No. 272 of 2014 under allailable Sections of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

On perusal of the written report which was filed by the driver of the Block Development Officer, Chakiya Block, who



alleged that the accused persons had blocked the road and when he came driving the official vehicle of the Block Development Officer, the persons standing there which included the petitioners dragged out from the vehicle and assaulted him. When the informant intervened to save the Officer, there was some sort of manner of assault to him and it was stated by the mob that he was ought to save the Block Development Officer and, as such, he would be assaulted as well.

On perusal of the above written report, I am sure the learned court below shall find that there is no allegation that the informant was elbowed out or was pushed or solvent around treating him to be a member of any Scheduled Castes and Scheduled Tribes nor it appears from the written report that the accused persons were acting against the informant intentionally to assault a member of the Scheduled Castes. Thus, the submission that the provisions of the Special Act shall not apply appears to waiting. Moreover, the submission is that if a public servant-government employee who drives an official vehicle, like, the present informant also being a public servant- lodges a report in his official capacity as appears the case herein, then he seizes to be either a Scheduled Castes and Scheduled Tribes and it is debatable whether that particular accused shall be attracted under such

circumstances.

I have noted down the above submissions and points only to enlighten the learned CJM, Motihari, East Champaran to decide the prayer for bail of the petitioners in the light of these submissions and findings without allowing himself to be influenced any bit with the Section of the offences under the Special Act. I have already noted above that offences under the Indian Penal Code are all bailable.

With the above directions to the learned CJM, Motihari, East Champaran, the present petitions stand disposed of.

(Dharnidhar Jha, J)

B.Kr./-

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