

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36186 of 2014

Arising Out of PS.Case No. -28 Year- 2014 Thana -SC/ST P.S. District- MUZAFFARPUR

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1. Nagendra Singh S/o Late Paltan Singh
 2. Rajeev Singh S/o Nagendra Singh
 3. Grish Nandan Singh @Rrish Nandan Singh Late Rama Nand Singh .
 4. Santosh Singh @ Santosh Kumar S/o Grish Nandan Singh @ Rrish Nandan Singh .
 5. Hrij Kishore Singh @ Hraj Kishore Singh S/o Sadhu Saran Singh
 6. Chandra Kishore Singh S/o Late Laxmi Singh All resident of Village - Govind Phulkaha, P.S. Kanti , Dist.- Muzaffarpur .

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey

For the Opposite Party/s : Mr. Ramshankar Das(Spl.Pp)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 20-02-2015

Heard.

The offences alleged under the Indian Penal Code are bailable. The offence registered under Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act may not be bailable and there might be a provision under Section 19 of the said Act snatching the jurisdiction of any court under Section 438 Cr.P.C. but, that does not divest the original court of jurisdiction to entertain a petition for regular bail under Section 437 Cr.P.C.

The court below shall not be guided by mere insertion of a section of a special Act. This Court thinks that it shall read the allegation which appears individually against an

accused, consider the defence of the accused and then to proceed to judge a prayer for bail. The court should note that while judging the prayer for bail, it is also the duty of the court to consider the root of an accused in the society. What this Court wants to point out is that the court below should seek assurance from the statements of the accused that he is deeply rooted in the society and he commands respect and that there is no likelihood of his disappearance. If these assurances are derived from the statements made before the court below then there is no reason for the court not to allow the petitioner's prayer under Section 437(1) Cr.P.C. which lays down that the bail is a right of an accused under sub-section (1).

Let the petitioners surrender before the court below and pray for regular bail and the court shall abide by the observations made by this Court to entertain the prayer for bail of the present petitioners.

The petition stands disposed of.

(Dharnidhar Jha, J.)

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