

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37738 of 2014**

Arising Out of PS.Case No. -38 Year- 2014 Thana -HARIJAN PS. District- NALANDA  
(BIHARSHARIFF)

- =====
1. Umanath Gope son of Rajeev Gope.
  2. Naresh Gope, son of Sarjug Gope.
  3. Umakar Gope @ Onkar Gope, son of Jagdish Gope.
  4. Sidheshwar Gope son of Umakar Gope @ Onkar Gope.
  5. Mittu Gope @ Mithu Gope @ Mithu Yadav, son of Umakar Gope @  
Onkar Gope.
  6. Sunil Gope, son of Umakar Gope @ Onkar Gope.

All are residents of Village Ajaipur, P.S. Noorasarai, District Nalanda.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s :

For the Opposite Party/s :

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL ORDER**

2      01-04-2015                      Heard learned counsel for the petitioners and learned  
Special P.P. for the State.

The petitioners apprehend arrest in Bihar S.C./S.T.  
P.S. Case No. 38 of 2014 dated 24.05.2014 instituted under

Sections 341/323/504/506/354/34 of the Indian Penal Code and 3(1) (x) (xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'Act').

Learned counsel for the petitioners submits that the parties are next door neighbours and for a petty dispute the only allegation is scuffle and blow by fists and also calling of the caste name, though not in public place. Besides the aforesaid, it is submitted that the petitioners having no criminal antecedent belong to one family.

Learned Special P.P. opposes the prayer for anticipatory bail and submits that in view of the bar of Section 18 of the Act, the power of the Court under Section 438 of the Code of Criminal Procedure, 1973 is ousted and the present application being under the said provision, the Court may not grant indulgence.

Faced with the situation, learned counsel for the petitioners seeks permission to withdraw the application with liberty to surrender before the Court below and seek regular bail.

Accordingly, the application stands disposed off as withdrawn.

If the petitioners surrender before the court below

within three weeks from today and pray for regular bail, the Court shall consider the same on its own merits without being prejudiced by the present order and dispose off the bail application on the same day.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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