

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46240 of 2014

Arising Out of PS.Case No. -474 Year- 2014 Thana -NAUBATPUR District- PATNA

1. Dinesh Sao
2. Santosh Sao,
Both sons of Late Budhan Sao, resident of village Dariyapur Chainpura,
P.S.- Naubatpur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Dular Sah
For the Opposite Party/s : Mr. Ambika Bhagat(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 21-05-2015 Heard Mr. Sah for the petitioners, Counsel for the
informant and Mr. Bhagat, learned APP for the State.

Petitioners seek anticipatory bail instituted under
diverse penal provisions of the Indian Penal Code including
Section 379 IPC as well as Section 3(i)(x)(xi) of the S.C./S.T.
(Prevention of Atrocities) Act.

Counsel for the petitioners states that assuming the
allegations made in the F.I.R. true, *argumenti causa* it does not
appear that the petitioners assaulted the victim knowing that
he/they belong to S.C./S.T. community. The other penal
provisions except Section 379 IPC are minor. The allegation of
committing theft is just an interlude.

The informant, on the other hand, points out that

there is a bar created under the Act for grant of anticipatory bail and that charge-sheet has already been submitted.

The same stand has been taken by Mr. Bhagat, learned APP.

But for the prohibitory provision contained in the S.C./S.T. Act, this Court was inclined to grant the bail on a firm submission made by Mr. Sah, Counsel for the petitioners that giving the privilege, they would not repeat the occurrence. The prayer for anticipatory bail is declined.

Let the petitioners surrender and seek regular bail. On their surrendering and praying for bail, the learned Court below shall pass appropriate orders in accordance with law uninfluenced by any observation made hereinabove.

(Kishore Kumar Mandal, J)

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