

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51879 of 2014

Arising Out of PS.Case No. -394 Year- 2014 Thana -BARACHATTI District- GAYA

- =====
1. Doman Prajapat
 2. Mangra Prajapat,
 3. Sunil Prajapat,
 4. Chandeshwar Prajapat
 5. Vijay Prajapat,
 6. Raman Prajapat and
 7. Chhedi Prajapat

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 06-01-2015 Heard learned counsel for the petitioners and learned Spl.
Public Prosecutor, appearing for the State.

Petitioners apprehend their arrest in connection with Barachatti (Mohanpur) P.S. Case No. 394 of 2014 registered under Sections-147, 341, 323, 504, 506 of the Indian Penal Code and Section 3(X)(XI) of the SC/ST (Prevention of Atrocities) Act.

The accusation against the petitioners is that they assaulted the informant as well as his other family members with different weapons while the informant was ploughing his field.

The contention on behalf of the petitioners is that much prior to institution of the present case, the petitioner No. 7 had filed T.S. No. 56 of 2009 against the informant and others for the land which has been shown in the present case and as a matter of fact, this false case has been brought against the petitioners due

to above-said land dispute.

On the other hand, learned Special PP appearing for the State submits that this anticipatory bail petition is not maintainable in view of Section-18 of the SC/ST (Prevention of Atrocities) Act.

No doubt, Section-18 of the SC/ST (Prevention of Atrocities) Act prohibits to entertain anticipatory bail in the cases registered for the offences of SC/ST of the SC/ST (Prevention of Atrocities) Act but in the present case, it is obvious from the facts that the present occurrence was taken place on account of land dispute and not because of this fact that the informant belongs to the member of SC community.

Accordingly, this anticipatory bail petition is allowed and it is ordered that in the event of arrest or surrender in the court below within four weeks from today, the petitioners named-above, are directed to be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Barachatti (Mohanpur) P.S. Case No. 394 of 2014 to the satisfaction of Sri Narendra Pal Singh, J.M.-Ist Class, Sherghati, Gaya subject to conditions as laid down u/S 438(2) of the Cr. P.C.

(Hemant Kumar Srivastava, J)

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