

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37784 of 2014

Arising Out of PS.Case No. -32 Year- 2014 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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Rabindra Singh & Ors

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh

For the Opposite Party/s Mr. Ambika Bhagat (Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

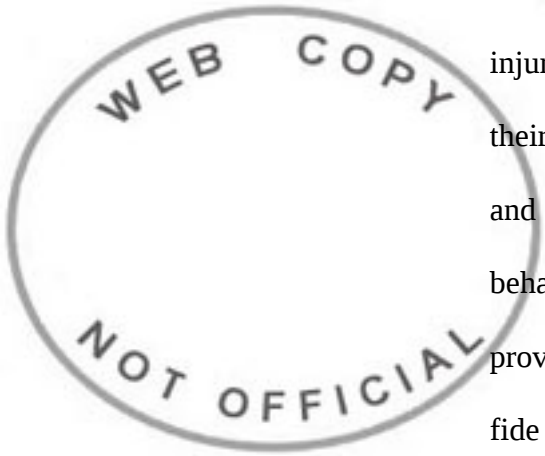
03/ 23.06.2015 Heard learned counsel for the petitioners as well as
learned Special Public Prosecutor for the State.

At the very outset, it is informed that petitioner no.3,
Dilip Singh has already been arrested and accordingly, his
prayer for anticipatory bail stands dismissed being infructuous.

The present case i.e. Adapur P. S. case no. 32/2014
has been registered under various sections of the Indian Penal
Code as well as section 3 (I) (X) of the SC/ST (Prevention of
Atrocities)Act in which the petitioners apprehend their arrest.

The first question arises before this court as to
whether the present petition is maintainable or not because
section 18 of the SC/ST (Prevention of Atrocities) Act does not
permit to entertain petition filed under section 438 of the
Cr.P.C.

Learned counsel for the petitioners submits that, as a
matter of fact, on the alleged date of the occurrence, petitioner
no.6 was badly assaulted by the prosecution party of this case



and thereafter, Adapur P. S. case no. 33/2014 was lodged. It is further contended by him that petitioner no.6 sustained grievous injury and with mala fide intention and with an intent to save their skin, prosecution party set up the informant of this case and got instituted the present case. It is further contended on behalf of the petitioners that if case is lodged under the provision of the SC/ST (Prevention of Atrocities) Act with mala fide intention, the court has ample power to entertain petition filed under section 438 of the Cr.P.C.

On the other hand, learned Special P.P. vehemently opposed the prayer pointing out that the informant was humiliated in full public view by the petitioners and, therefore, present petition is not maintainable.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let petitioners, namely, Rabindra Singh, Bachcha Singh, Sujit Singh, Gautam Singh and Surendra Singh be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of Sri D.Kumar, Judicial Magistrate, Ist Class, Raxaul at Motihari (E.C)/concerned court in Adapur P. S. case no. 32/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)