

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51726 of 2014

Arising Out of PS.Case No. -88 Year- 2014 Thana -SONBERSA District- SITAMARHI

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1. Sit Narayan Sah S/o Late Tevar Sah
 2. Rampukar Sah @ Pukar Sah S/o Late Tevar Sah
 3. Indrajit Sah S/o Late Tevar Sah
 4. Deo Narayan Sah S/o Late Tevar Sah
 5. Sikandar Sah @ Sikandra Kumar S/o Sogarath Sah All R/o Village - Narkatiya, P.S. - Sonbarsa, District - Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dinesh Jha

For the Opposite Party : Mr. M.Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

5 29-06-2015 Heard learned counsel for the petitioners and

learned APP for the State.

Five petitioners herein apprehending their arrest in connection with Sonbarsha P.S. case no. 88 of 2014, registered under Sections 341,323, 379 and 435/34 of the IPC and diverse penal provisions of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act.

Allegation is that while the informant is going to worship she was stopped subsequently the father-in-law and son of the informant were assaulted. They also committed theft of her gold chain and abused by taking the name of her caste.

Contention of the petitioners is that allegation of theft has been disapproved by the investigating agency. There is no direct allegation as to who abused the informant. The petitioners were privileged with police bail and they did not misuse the bail during the pendency of the investigation. It is also submitted that no case under the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act is made out as the abuse was not made by any of the accuseds in the public view.

Mr. Dayal learned APP, on the other hand, submits that there is bar under the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act for grant of anticipatory bail. Except the statutory Bar the Court was inclined to grant the privilege of anticipatory bail to the petitioners. However, considering the statutory provisions, I am not persuaded to grant them the privilege of anticipatory bail.

Let the petitioners surrender and pray for regular bail before the learned Court below. In that event the Court below shall consider and dispose of the same on its own merit and pass appropriate orders uninfluenced by the present order.

(Kishore Kumar Mandal, J)

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