

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10157 of 2015

Arising Out of PS.Case No. -213 Year- 2014 Thana -RAJIVNAGAR District- PATNA

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1. Akhilesh Kumar Jha son of Premchandra Jha resident of Ashiyana Nagar
Phase - 1, P.S. - Rajiv Nagar, District : - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 13-03-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Rajiv Nagar P.S.Case No. 213 of 2014 registered for the offences
punishable under Sections 323, 341, 504, 509/34 of the Indian
Penal Code.

The present case has been registered under provisions
of SC/ST Prevention of Atrocities Act as well as Indian Penal
code. Learned 1st Additional Session Judge, Patna dismissed
anticipatory bail of the petitioner on the ground that the section 18
of SC/ST prevention of Atrocities act prohibits to entertain
petition under section 438 of the Cr. P. C.

The contention on behalf of the petitioner is that

according to the prosecution case itself, the alleged occurrence took place on account of so-called wrong treatment provided by the petitioner and not because of cast of the informant and, therefore, the application of provisions of SC/ST Prevention of Atrocities Act appears to be doubtful.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st class, Patna in Rajiv Nagar P.S. Case No. 213 of 2014, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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