

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11742 of 2015

Arising Out of PS.Case No. -320 Year- 2009 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

- =====
1. Anup Lal Yadav son of Late Baldeo Yadav
 2. Munna Yadav son of Anup Lal Yadav
 3. Mukesh Yadav @ Mukesh Kumar Son of Anup Lal Yadav
 4. Arvind Yadav son of Laxmi Yadav
- All residents of village - Khutia, Police Station - Mansi, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anamul Haque
For the Opposite Party/s Mr. Ambika Bhagat (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 27.04.2015 Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State.

Admittedly, police after investigation found accusation untrue and accordingly, submitted final form and the same was accepted but informant filed protest petition and the court below proceeded on protest petition treating the same as complaint petition and accordingly, took cognizance of the offence.

Since cognizance of the offence has already been taken, in my view, this anticipatory bail petition is in the teeth of section 18 of the SC/ST (Prevention of Atrocities) Act and accordingly, this petition stands dismissed being not maintainable.

However, it is made clear that if the petitioners surrender within six weeks from today and seek regular bail, their regular bail

application shall be considered on its own merit without being prejudiced by this rejection order, particularly, keeping in mind that police after investigation found accusation untrue against the petitioners.

shahid

(Hemant Kumar Srivastava,J)

