

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1309 of 2015

Arising Out of PS.Case No. -310 Year- 2013 Thana -KUCHAIKOTE District- GOPALGANJ

=====

Rohit Kharwar @ Rohit Kumar Kharwar Son of Dhurendra Kharwar,
Resident of Village- Loharpatti, P.S.- Kuchaikote, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari, Daughter of Dayanand Ram, Resident of Village-
Loharpatti, P.S.- Kuchaikote, District- Gopalganj

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 19-01-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Kuchaikote P.S. Case No. 310 of 2013 registered for the offence under Sections-341, 354B, 504, 506/34 of the Indian Penal Code and Section-3(i)(x) of SC/St (Prevention of Atrocities) Act.

There is allegation against the petitioner that he along with co-accused, attempted to outrage the modesty of a minor girl, who belongs to Schedule Caste community.

The contention on behalf of the petitioner is that the provision of SC/ST (Prevention of Atrocities) Act has been inserted in this case on 27-12-2013 whereas; the case was registered on 04-12-2013 and even if, the prosecution case assumed to be true, then also, the provision of Section-3(i)(x) of

SC/ST (Prevention of Atrocities) Act is not applicable in this case but I am not, at all, convinced with the aforesaid submission and it appears to me that the present case is covered under Section-3(i)(xi) of SC/St (Prevention of Atrocities) Act and, accordingly, in my view, this anticipatory bail petition is not maintainable. Hence, this anticipatory bail petition stands dismissed being not maintainable.

However, if, the petitioner surrenders before the concerned court and seeks regular bail, the concerned court shall pass appropriate order on the regular bail petition of the petitioner without being prejudiced by this order, particularly, keeping in mind that the petitioner is a young chap.

(Hemant Kumar Srivastava, J)

A.K.V./-

U		T	
---	--	---	--