

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47511 of 2014

Arising Out of PS.Case No. -146 Year- 2013 Thana -SC/ST PS District- EAST CHAMPARAN
(MOTIHARI)

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Manoj Prasad Yadav @ Manoj Kumar Yadav S/o Harendra Rai, Resident of
village- Nandiram Chapra, P.S.- Madhuban, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3. 21.05.2015 Heard learned counsel for the petitioner and
learned Special P.P. for the State.

The petitioner apprehends arrest in S.C./S.T.
(Motihari) P.S. Case No. 146 of 2013 dated 12.09.2013
instituted under Sections 341/323/504/506/353 of the
Indian Penal Code and 3(1)(x) of The Scheduled Castes and
The Scheduled Tribes (Prevention of Atrocities) Act, 1989
(hereinafter referred to as the 'Act').

Learned Special P.P. raises a preliminary
objection submitting that the present application under
Section 438 of the Code of Criminal Procedure, 1973 is not
maintainable in view of the bar of Section 18 of the Act. He
relies upon a decision of the Hon'ble Supreme Court in the
case of **Bachu Das v. State of Bihar** reported in **(2014) 3 SCC**

471, relevant being at Paragraph-6. This Court finds that in view of the aforesaid decision of the Hon'ble Supreme Court holding that if from the averments made in the complaint, insult or intimidation with intent to humiliate by calling with caste name is there, the accused persons are not entitled to anticipatory bail in view of the bar of Section 18 of the Act.

This Court finds substance in the submission of learned Special P.P.

Accordingly, the present application stands disposed off as not being maintainable.

(Ahsanuddin Amanullah, J.)

P. Kumar

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