

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47219 of 2014

Arising Out of PS.Case No. -30 Year- 2014 Thana -SC/ST PS District- BUXAR

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Roushan Kumar Singh @ Hako Singh @ Haku Singh Son of Santosh
Kumar Singh resident of village - Dulhapur, Police Station - Simri, District
- Buxar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 23-04-2015 Heard learned counsel for the petitioner and learned
Special P.P. for the State.

The petitioner apprehends arrest in Buxar S.C./S.T.
P.S. Case No. 30 of 2014 dated 28.10.2014 instituted under
Sections 341/323/504/506 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 counsel for the petitioner submits that the

allegation is false and the petitioner has no criminal antecedent.

Learned Special P.P. opposes the prayer for anticipatory bail and submits that the application under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the ‘Code’) is not maintainable in view of the bar of Section 18 of the Act. It is submitted that in the present case the allegation of abuse by calling caste name is in full public view and the people of the locality are said to have gathered to save the informant.

This Court finds substance in the submission of learned Special P.P. The application under Section 438 of the Code is thus not maintainable and accordingly the same stands disposed off.

However, the present order shall not cause prejudice to the petitioner, if he moves before the appropriate forum in accordance with law.

(Ahsanuddin Amanullah, J)

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