

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35351 of 2015

Arising Out of PS.Case No. -56 Year- 2015 Thana -SC/ST P.S. District- MUZAFFARPUR

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Anil Kumar Shahi son of Ram Kishore Prasad resident of village -
Chadhavan, P.S. Kudhani, Dist - Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. S. Jamil Akhtar, Advocate.

For the Opposite Party : Mr. Ataur Rahman (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 27-08-2015 Heard learned counsel for the petitioner as well as

learned counsel for the State.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under sections 341, 323, 504 and 506/34 of the I.P.C and section 3 (i) (x) of the SC/ST Act.

As per order of the University all the staff of the College was to submit their educational certificate and accordingly the petitioner was directed but he did not submit his certificate and further he did not submit stock register and cash book and without submitting the same he has been superannuated, then his salary for the month of January, 2015 was held up and due to that reason on 05.06.2015 at about 12'O Clock when the informant came out



from the office the petitioner and co-accused surrounded him, abused him by uttering his caste name resulting the informant fled away and entered into the Chamber of Sri Gulzar Ram where the petitioner and others started thrashing him and then Sri Gulzar Ram protested and obstructed and then the petitioner caused threats to kill the informant. The informant being Principal of the College gave information to the authority concerned and when was going to lodge the case in Muzaffarpur SC/ST police station then two suspected motorcycle borne criminals were chasing him but any how he came to Hajipur SC/ST police station and with the aid of literate constable of that police station he informed Muzaffarpur SC/ST police station and accordingly F.I.R. has been lodged.

Submission is of false implication and that his payment has been withheld without any basis and further retirement benefit is not also being given to him and as such the petitioner deserves sympathetic consideration. The petitioner has sent legal notice to the informant in the year 2014 and on receipt of legal notice the informant filed the instant case on false and frivolous allegation.

The learned Special P.P. opposes the prayer and submits that in public place the informant has been insulted and

humiliated by the petitioner and as such this anticipatory bail application is not maintainable as the same is barred under section 18 of the SC/ST (Prevention of Atrocities) Act.

Considering the allegation, this Court is not inclined to grant privilege of pre-arrest bail to the petitioner and as such his such prayer stands rejected in connection with Muzaffarpur SC/ST P.S. Case No. 056 of 2015 pending in the court of C.J.M. Muzaffarpur.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J)

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