

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25959 of 2015

Arising Out of PS.Case No. -63 Year- 2014 Thana -SC/ST P.S. District- NAWADA

- =====
1. Pawan Kumar @ Pawan Singh, Son of Late Satya Narayan Singh.
 2. Panjabi Singh, Son of Late Satya Narayan Singh.
 3. Satish Singh, Son of Late Sahdeo Singh. All are residents of Village-Dhanwara, Police Station- Akbarpur in the district of Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2015 It has been submitted on behalf of the petitioners that petitioner no. 3 Satish Singh has already been arrested during the pendency of the present application, hence seeks permission to withdraw the same on behalf of petitioner no. 3.

Accordingly, this anticipatory bail application is dismissed as withdrawn.

The petitioner nos. 1 and 2 are apprehending their arrest in connection with Nawada S.C./S.T. P.S. Case No. 63 of 2014 instituted under Sections 147, 148, 149, 341, 323, 325, 307, 504 of the Indian Penal Code, Sections 3 (i) (1) (a), (o), (r), (s), (u), (w), (ii), y and Section 27 of the Arms , pending in the Court of learned Chief Judicial Magistrate, Nawada.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that the informant had gone to cast their votes at booth no. 17 of village Dhanwara in PACS election, the petitioners disturbed them from casting vote. The petitioners armed with rifle, gun lathi, rod etc. after forming unlawful assembly attacked upon the informant and others and after surrounding they started assaulting and abused saying Harijan and ordered to kill him.

It has been submitted on behalf of the petitioner no. 1 and 2 that the present case has been instituted against them due to village politics. It is further submitted that the petitioners were not supporting the informant's party. Hence, he has falsely been implicated in the present case with a political vengeance.

On behalf of the State and the informant, it is submitted that the offence under S.C./S.T. has been committed at a public place while the polling was going on the booth, hence, anticipatory bail of the petitioners are not maintainable.

Considering the aforesaid facts, I am not inclined to grant privilege of anticipatory bail to the petitioner nos. 1 and 2. The payer for anticipatory bail of the petitioners is rejected.

However, if the petitioner nos. 1 and 2 surrender in the court below within four weeks and pray for regular bail, the

same shall be considered on its own merit without being prejudiced by this order of rejection and if possible disposed of on the same day.

(Sudhir Singh, J)

P.K./-

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