

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49536 of 2015

Arising Out of PS.Case No. -67 Year- 2015 Thana -SC/ST PS District-
EASTCHAMPARAN(MOTIHARI)

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Sk. Azaz @ Md. Ayaz son of S.K. Manan, Resident of Village - Siswa,
P.S.- Banjariya, District - East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sadanand Paswan, Spl.APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

2 04-11-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Motihari SC/ST P.S.Case No. 67 of 2015 registered under
Sections 341, 323, 379 and 504 of the Indian Penal Code and also
under Sections 3(1)(i)(iv)(x) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

It is contended that all the offences alleged against the
petitioner apart from Section 379 of the Penal Code and Section 3
of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (for short “the Act”) are bailable in nature. It is
further contended that out of animosity existing from before the

present false case has been instituted.

On the other hand, learned counsel for the State has contended that in view of Section 18 of the Act, the present application under section 438 of the Code of Criminal Procedure (for short “the Cr.P.C.”) is not maintainable. I find force in the submission of the learned counsel for the State.

The present application under section 438 of the Cr.P.C. is disposed of as not maintainable.

In case the petitioner surrenders and seeks bail, the same shall be considered on its own merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

Md.S./-

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