

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24634 of 2015

Arising Out of PS.Case No. -233 Year- 2014 Thana -FATUHA District- PATNA

1. Raja Yadav Son of Vijay Yadav resident of Village - Dumri, P.S. -
Fatuha, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra

For the Opposite Party/s Mr. Ambika Bhagat (A.Pp)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 13.07.2015 Heard learned counsel for the petitioners as well as learned

Addl. Public Prosecutor for the State.

The accusation against the petitioner is that he along with
some others made attempt to commit rape on the wife of the informant
who belongs to scheduled caste community and accordingly, case has
been registered under various sections of the Indian Penal Code and
section 3 (X) of the SC/ST (Prevention of Atrocities)Act.

In my view, this petition filed under section 438 of the
Cr.P.C is not maintainable as section 18 of the SC/ST (Prevention of
Atrocities) Act prohibits to entertain petition filed petition under
section 438 of the Cr.P.C.

Accordingly, this petition filed under section 438 of the
Cr.P.C in connection with Fatuha P.S. Case no. 233/2014 stands
dismissed being not maintainable.

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(Hemant Kumar Srivastava,J)

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