

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43961 of 2015

Arising Out of PS.Case No. -119 Year- 2006 Thana -KARJA District- MUZAFFARPUR

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1. Baidyanath Raut son of Late Bhola RAut
2. Anil Raut @ Anil Kumar son of Baidyanath Raut Both resident of village- Purani Mehshi, Police Station- Mehshi, District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lachhu Ram @ Lallu Ram son of Late Mahanth Ram, resident of village- Rupwara, Police Station- Karja, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

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

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 13-10-2015 Heard Dr. Amrendra Kumar for the petitioners and Mr. Ambika Bhagat, Special A.P.P. for the State.

On the basis of a complaint which was registered as F.I.R. vide Karja P.S. Case No. 119 of 2006 under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(1)(x) of the SC/ST (Prevention of Atrocities) Act, the petitioners have been made accused and have prayed for anticipatory bail.

The rickshaw puller has lodged the case alleging that when the fair was demanded, the petitioners being father and son abused left and right in the name of caste and also robbed him of his cash.

The contention of the petitioners is that it is a concocted

allegation at the behest of the father-in-law/brother-in-law of the daughter of petitioner no. 1 who was married in the village in which the complainant/informant belongs. It is not believable that for non-payment of Rs. 20/-, the occurrence had taken place.

Mr. Bhagat conversely submits that the F.I.R. was lodged in the year 2006, charge-sheet was submitted in the year 2008, cognizance was taken in 2009 and now the petitioners seek anticipatory bail. They are guilty of defying the Court's order. The provisions of SC/ST Act also forbade grant of anticipatory bail.

Considering the facts and circumstances of the case, I am not persuaded to privilege them with anticipatory bail. Prayer is, accordingly, rejected.

If the petitioners surrender and pray for regular bail, the Court below shall consider their case on its own merit and pass appropriate orders in accordance with law unprejudiced by the present order.

(Kishore Kumar Mandal, J)

Pankaj/-

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