

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53502 of 2015

Arising Out of PS.Case No. -256 Year- 2015 Thana -BODHGAYA District- GAYA

Babulal Manjhi, son of Late Karu Manjhi, resident of village- Stalin Nagar  
(Darwan), P.S.- Cherki, District- Gaya

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

With

Criminal Miscellaneous No.53633 of 2015

Arising Out of PS.Case No. -256 Year- 2015 Thana -BODHGAYA District- GAYA

Chando Devi, wife of Babulal Manjhi, Resident of Village-Stalin Nagar  
(Darwan) P.S.- Cherki, District Gaya.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

Appearance :

(In Cr.Misc. No.53502 of 2015)  
For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate  
For the Opposite Party/s : Mr. Sadanand Paswan, APP  
(In Cr.Misc. No.53633 of 2015)  
For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate  
For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH  
ORAL ORDER

2 07-12-2015 Since both these applications under Section 438 of  
the Code of Criminal Procedure arise from the same FIR, they  
have been heard together and are being disposed of by a  
common order.

The petitioners seek pre-arrest bail in connection with Bodh Gaya (Cherki) P.S. Case No. 256/15 registered under Sections 448, 341, 323, 324, 379, 504, 506/34 of the Indian Penal Code and 3(1)(x) of the SC/ST (Prevention of Atrocities) Act, 1988.

It has been contended that the petitioners in these two cases are themselves members of the scheduled castes community and, hence, they cannot be prosecuted for the offence punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1988.

It is further contended that similarly circumstanced co-accused Sanjay Yadav has already been granted anticipatory bail vide order dated 28.09.2015 passed in Cr. Misc. No. 39493 of 2015 by a co-ordinate Bench of this Court.

Learned counsel for the State has contested the matter. However, he concedes that since the petitioners belong to Manjhi caste, the offence punishable under Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act would not be attracted against them.

Regard being had to facts and circumstances of the case, in the event of arrest or surrender in the court below within four weeks from today, the petitioner in Cr. Misc. No. 53502 of

2015, namely, Babulal Manjhi and Cr. Misc. No. 53633 of 2015, namely, Chando Devi are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Bodh Gaya (Cherki) P.S. Case No. 256 of 2015 subject to the conditions as laid down under Section 438(2) Cr. P.C.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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