

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21697 of 2016

Arising Out of PS.Case No. -8 Year- 2016 Thana -ALOU LI District- KHAGARIA

- =====
1. Mamta Devi wife of Kedar Roy
2. Akash Roy son of Kedar Roy Both resident of Village- Sanokhar, Police
Station Alauli, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Nawal Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 19-05-2016 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners apprehend their arrest in connection
with Alauli P.S. case no. 8 of 2016, registered under Sections
341,323 448, 354, 505 and 506/34 of the IPC and Section 3(1)(X)
of the SC and ST (Prevention of Atrocities)Act 1989 (for short
'the Act').

The allegation is that the informant protested
against the grazing of her field in which the mustard oil was
grown by the she goat of the co accused. Enraged thereon
accused persons arrived at the house and started assaulting the
informant and her daughter-in-law. The son tried to intervene

whereafter he was also assaulted . It is alleged that the accused persons humiliated her taking the name of the caste always. There is an allegation constituting offence under Section 354 of the IPC.

It is stated on trivial issue the occurrence is said to have been committed. Even going by the allegations no case under the Act, prima facie, is made out.

Learned counsel for the State, opposed the prayer. Although the allegations are trivial in nature but considering the bar under Section 18 of the Act which disables the Court to grant the privilege of anticipatory bail, in my view, the petitioners should surrender and seek regular bail. If the petitioners do so, the Court below shall consider their application for bail and dispose of the same in accordance with law unprejudiced by the present order.

The bail application is disposed of.

(Kishore Kumar Mandal, J)

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