

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24696 of 2016

Arising Out of PS.Case No. -251 Year- 2014 Thana -PIRPAINTI District- BHAGALPUR

- =====
1. Lalu Mahto Son of Basuki Mahto
 2. Saryug Mahto Son of Basuki Mahto
 3. Pappu Mahto Son of Basuki Mahto
 4. Dau Mahto Son of Basuki Mahto
 5. Kuldip Mahto Son of Mahu Mahto All residents of Village - Koriyachak,
P.S. - Pirpainti, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 15-06-2016 Heard learned counsel for the petitioners as well as

learned Special Public Prosecutor for the State.

Petitioners and four other persons have been made

accused in a case registered for the offences punishable under

Sections 343, 504, 506 of the Indian Penal Code and Section 3(i)

(x) of S.C./S.T. (Prevention of Atrocities) Act on the accusation

that they prevented the informant, who happens to be member of

Scheduled Castes Community from casting vote and abused him

by calling his caste name.

Submission on behalf of the petitioners is that

petitioners were summoned by the police and subsequently, taken

into custody but later on, they were released on bail on furnishing bonds and, therefore, in the light of decision of **Mahendra Prasad Singh vs. The State of Bihar reported in 2004(3) PLJR, 491**, this court may direct the trial court to pass appropriate order, if petitioners surrender/appear before the concerned court.

It is further submitted by learned counsel for the petitioners that all the sections are bailable in nature, except the offences said to be punishable under the provisions of S.C./S.T. (Prevention of Atrocities) Act but as a matter of fact, the fact of the present case does not disclose the offence of S.C./S.T. Act.

On the other hand, learned Special Public Prosecutor appearing for the State refuted the above stated submissions arguing that fact of the present case clearly discloses the offence punishable under the provisions of S.C./S.T. Act. It is further submitted by him that decision of Mahendra Prasad Singh vs. The State of Bihar (Supra) is not applicable in this case because the petitioners were summoned by the police under Section 41(A) of the Cr.P.C. and the bonds from the petitioners were taken only for the purposes of interrogation.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition stands dismissed being not maintainable.

However, petitioners are directed to surrender before the court of Sub Divisional Judicial Magistrate, Bhagalpur/concerned court in connection with Pirpanti P.S. Case No. 251 of 2014 within four weeks from the date of receipt/production of copy of this order and if petitioners do so, the concerned court shall pass appropriate order in accordance with law without being prejudiced by this order.

(Hemant Kumar Srivastava, J)

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