

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11912 of 2016

Arising Out of PS.Case No. -41 Year- 2015 Thana -HARIZAN District- BEGUSARAI

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Manoj Mahto @ Manoj Mahton Son of Kailu Mahto, Resident of Village-
Ratan, Police Station- Bakhari, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 18-03-2016

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 307, 379 and some other allied offences under the Indian Penal Code as also under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (In short 'Act, 1989').

Taking into consideration the fact that the petitioner, besides others, is specifically named in the F.I.R vide Annexure-1 as an accused and he is alleged to have assaulted the informant by iron rod on his head and further taking into consideration the fact that prima facie a case for the offence under Section 3(1)(x) of the Act, 1989, is made out, this Court is of the opinion that the present application filed under Section 438 Cr. P.C. is not maintainable in view of the bar created under Section 18 of the Act, 1989.

In above view of the matter, the present application for grant of anticipatory bail in connection with Begusarai SC & ST Police Station Case No. 41 of 2014, pending in the court of learned Additional Chief Judicial Magistrate-IV, Begusarai, is rejected.

However, if the petitioner surrenders in the court below within a period of four weeks from today and applies for regular bail, then the same shall be considered and decided on its own merit without being prejudiced by the present order.

(Birendra Prasad Verma, J)

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