

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11777 of 2016

Arising Out of PS.Case No. -32 Year- 2015 Thana -SC/ST District- SHEOHAR

Ram Pravesh Singh Son of Shambhu Singh Resident of Village - Govinapur (Fatmachak), P.S. - Sheohar, District - Sheohar.

..... Petitioner/s

Versus

The State of Bihar.

..... Opposite Party/s

With

Criminal Miscellaneous No.8440 of 2016

Arising Out of PS.Case No. -32 Year- 2015 Thana -SC/ST District- SHEOHAR

- 1. Shambhu Singh Son of Suryadeo Singh
- 2. Amresh Singh Son of Suryadeo Singh
- 3. Nitesh Singh @ Prabhu Singh Son of Shambhu Singh All resident of village - Govindpur (Fatmachak), P.S. Sheohar, District - Sheohar

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

Appearance :

(In Cr.Misc. No.11777 of 2016)

For the Petitioner/s : Mr. Devendra Kumar
For the Opposite Party/s : Mr. Ambika Bhagat(APP)

(In Cr.Misc. No.8440 of 2016)

For the Petitioner/s : Mr. Devendra Kumar
For the Opposite Party/s : Mr. Ram Shankar Das (Spl.PP)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 24-05-2016 Both the applications arise out of same police station case and, as such, they have been heard together and are being disposed of by this common order.

Heard Mr. Thakur for the petitioners and Mr. Dayal, APP

for the State.

The petitioners seek anticipatory bail in Sheohar SC/ST P.S. Case No. 32 of 2015 registered under sections 354,379, 506/34 and 436 IPC read with sections 3(i) (x) of the SC//ST (Prevention of Atrocities) Act (for short 'the Act'). The allegation is that while the informant was cooking meal at her house, the accused persons having entered into her house abused and assaulted the family members. In the process, the son of the informant was also assaulted. The informant was abused in the name of her caste by the accused persons.

The contention of the petitioners is that there is a land dispute between the parties. On an application filed by the petitioner, the Deputy Collector, Land Reforms, vide Annexure-2, directed for removal of encroachment therefrom by the informant and other family members which irked them. The allegations are manufactured/concocted to implicate the petitioners. No allegation whatsoever under the Act is made out. Moreover, the petitioners carry clean antecedents.

Learned counsel for the State, on the other hand, submits that apart from the allegation of assault to the son of the informant and other family members, the allegations made would constitute the offence under the Act. He further points out that section 18 of

the act bars/disables/prohibits the Court to invoke the jurisdiction to grant anticipatory bail.

Although there appears land dispute between the parties which might have prompted the accused(s) to storm into the house of the informant to assault for removal from the land, but considering the bar provided under section 18 of the Act, this Court refuses to grant anticipatory bail to the petitioners.

Let them surrender and seek regular bail. If they do so, I am sure the same shall be considered and disposed of by the court below unprejudiced by the present order.

The application(s) stand disposed of.

(Kishore Kumar Mandal, J)

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