

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11637 of 2016

Arising Out of PS.Case No. -47 Year- 2015 Thana -SC/ST District- JAMUI

=====

Mahendra Saw son of Late Hira Saw, resident of Village Singaritand P.S.
Khaira, District Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amar Prakash, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-03-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 341, 323, 504, 506 and 420 of the Indian Penal Code as also under Section 3 (i) (x) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short, “SC/ST Act,1989”).

The learned counsel appearing on behalf of the petitioner submits that in view of the ratio laid down by this Court in the case of **Sajjo Vs.State of Bihar [2010 (2) PLJR 690]**, offence punishable under Section 3 (i) (x) of the SC/ST Act, 1989 shall not be applicable. He further submits that other offences as alleged in the first information report vide Annexure-1 appear to be either minor or have been added with some ulterior motive on account of some pending dispute for transaction of certain money.

Be that as it may, taking into consideration the entire factual matrices as disclosed in the first information report vide Annexure-1 and also taking into consideration the ratio laid down in the case of **Sajjo Vs.State of Bihar (supra)**, this Court is inclined to accede to the prayer made on behalf of the petitioner

for grant of anticipatory bail.

In the event of arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Jamui in connection with Jamui SC/ST P.S.Case No. 47 of 2015. subject to conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

- (A) one of the bailors must be government servant or close family member of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and
- (C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

Tahir/-

U		T	
---	--	---	--