

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13427 of 2016

Arising Out of PS.Case No. -18 Year- 2015 Thana -EKCHARI District- BHAGALPUR

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1. Raghunath Mandal
2. Anil Mandal
3. Baijnath Mandal @ Brijnath Mandal
4. Pradip Mandal 1 to 4 Sons of Late Nararyan Mandal, resident of village -
Andawan (Birbanha), P.S. Ekchari, District - Bhagalpur.
5. Gobra Mandal @ Gayanand Mandal @ Gayanand son of Late Poly
Kapri, resident of village - Rani Diyara, P.S. Ekchari, District - Bhagalpur.
..... Petitioner/s

Versus

The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha
For the Opposite Party/s : Mr. Chandra Bhushan Prasad(APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-04-2016

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 384, 386 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 'the Act, 1989).

On plain reading of the F.I.R vide Annexure-1, it appears that a prima facie case for an offence under Section 3(1)(x) of the Act, 1989 is made out against the accused persons, including the petitioners. Therefore, in view of the bar created under Section 18 of the Act, 1989, the present application for grant of anticipatory bail is not maintainable. Accordingly, the prayer made on behalf of the petitioners for grant of anticipatory bail in connection with Ekchari P.S. Case No. 18 of 2015, pending in the court of Sri Sagir Alam, S.J.-3, Bhagalpur, is hereby rejected.

However, if the petitioners surrender in the court below

within a period of four weeks from today and apply 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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