

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14026 of 2016

Arising Out of PS.Case No. -506 Year- 2015 Thana -BUXAR District- BUXAR

1. Sadhu Yadav S/o Keshav Yadav, resident of village- Nai Bazar, Mathiya,
P.S.- Buxar Town, District- Buxar

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 18-04-2016 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Buxar Town Police Station Case No. 506 of
2014, disclosing offences under Sections 379, 341, 427,
323, 504/34 of the Indian Penal Code and Section 3 (i) (x)
of the Schedule Castes and Schedule Tribes (Prevention of
Atrocities) Act.

Learned Counsel for the petitioner has
submitted that because of the land dispute, the present
First Information Report has been instituted making false
allegation in order to constitute offence under Section 3 (i)
(x) of the Schedule Castes and Schedule Tribes (Prevention
of Atrocities) Act.



Learned Counsel appearing on behalf of the informant and learned Special Public Prosecutor representing the State of Bihar have submitted that Section 18 of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act puts a bar on grant of anticipatory bail and since the allegation made in the First Information Report constitute the offence, such privilege should not be granted to the petitioner.

I find substance in the submission advanced on behalf of the informant and the learned Special Public Prosecutor.

Despite the fact that the offence is not of such serious nature that bail should not be granted to the petitioner, considering bar under Section 18 of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, this application cannot be entertained.

This application is accordingly dismissed.

The petitioner, Sadhu Yadav, is directed to surrender before the Court below within a period of two weeks from today and seeks regular bail, if so advised. If he does so, his application for regular bail shall be considered and disposed of on the same by the learned Court below on its own merit, without being prejudiced by dismissal of present application for grant of anticipatory

bail.



(Chakradhari Sharan Singh, J.)