

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18762 of 2016

Arising Out of PS.Case No. -137 Year- 2015 Thana -MEHANDIA District- JEHANABAD

1. Umesh Singh, Son of Late Kailash Singh
2. Haridya Singh @ Hridya Singh @ Krishnakant Singh, Son of Umesh Singh
3. Bhola Singh @ Shiv Yash Singh, Son of Late Girja Singh. All are residents of village - Mahendiya, P.S. Mahendiya, District - Arwal
..... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party/s : Mr. Ambika Bhagat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 05-05-2016 Heard learned Senior Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Mahendiya P.S. Case No. 137 of 2015, disclosing offence under Sections 341, 323, 427 and 506/34 of the Indian Penal Code and Section 3 (1)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989.

The First Information Report has been instituted on the basis of a public petition filed by the informant Rajrani Devi and others to the Chief Minister, Bihar, alleging that these petitioners were disturbing their peaceful possession over the land, which they had been enjoying for last 25 to 30 years.



Learned Senior Counsel appearing on behalf of the petitioners submits that institution of First Information Report is an abuse of the process of law, as there is apparent civil dispute, concerning title over the land. It is submitted that the said land belongs to father of petitioner No. 1 and other family members in support of which, there are documents of unimpeachable nature.

Learned Special Public Prosecutor appearing on behalf of the State, on the other hand, has submitted that since the offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 is made out, grant of anticipatory bail in exercise of power under Section 438 of Criminal Procedure Code is barred under Section 18 of the said Act.

Learned Special Public Prosecutor appears to be right in his submission. However, considering the nature of allegation made in the said public petition, I direct the petitioners to appear before the court below within four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered and disposed of on the same day on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

With these observations, this application for

anticipatory bail is, hereby, disposed of.

(Chakradhari Sharan Singh, J)

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