

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21040 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -SC/ST District- JAMUI

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1. Niwas Thakur son of Sukdeo Thakur
 2. Ram Bilash @ Manjho Thakur son of Sukdeo Thakur
 3. Vikash Thakur son of Sukdeo Thakur
 4. Sukdeo Thakur son of Karu Thakur

All are residents of village- Karngarh, P.S.- Chandramandih,
District - Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ambika Bhagat, Special APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 24-05-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
SC/ST Jamui P.S.Case No. 12 of 2016 registered under Sections
341, 323, 504 and 506/34 of the Indian Penal Code and Section
3(1)(x) of the Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act (for short 'the Act').

It is submitted by the learned counsel for the petitioners
that the only non-bailable offence in the present case is Section
3(1)(x) of the Act which has been levelled just in order to
humiliate and harass the petitioners, as no occurrence as alleged

had ever taken place. It is also submitted that though the alleged occurrence took place on 15th February, 2016, the FIR was lodged on 2nd March, 2016 and there is no reasonable explanation for inordinate delay caused in institution of the FIR.

The learned Special Additional Public Prosecutor appearing for the State has opposed the application preferred under Section 438 of the Code of Criminal Procedure (for short 'the Code'). He has submitted that in view of Section 18 of the Act, the application filed under Section 438 of the Code is not maintainable.

I have heard learned counsel for the parties.

In view of the statutory bar created under Section 18 of the Act, the application is disposed of as not maintainable with observation that in case the petitioners surrender and seek bail, the court shall positively take into consideration the inordinate delay caused in institution of the FIR at the time of passing the order on merits.

(Ashwani Kumar Singh, J)

Md.S./-

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