

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22655 of 2016**

Arising Out of PS.Case No. -18 Year- 2015 Thana -SC/ST District- BANKA

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1. Nityanand Mandal @ Uchit Mandal  
2. Babaji Mandal@Abhay Kant Mandal Both sons of Mahendra Mandal  
Resident of Village- Basbitta, PS Dhoraiya, District Banka.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shree Niwas Singh

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

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      26-05-2016                      Heard learned counsel for the petitioners and  
  
learned counsel for the State.

The petitioners seek pre-arrest bail in connection  
with Banka S.C./S.T. P.S. Case no. 18 of 2015 under sections  
341, 323, 504, 506/34 of the Indian Penal Code and section 3(i)(x)  
of S.C./S.T. (Prevention of Atrocities) Act.

It is submitted by the learned counsel for the  
petitioners that the allegations are false and fabricated. In course  
of investigation, the petitioners were summoned by the police  
and they were let off after enquiry on furnishing bond under  
section 41 of the Code of Criminal Procedure, 1973.

Be that as it may, regard being had to the offence

alleged under section 3(i)(x) of the S.C./S.T. (Prevention of Atrocities) Act, the instant application under section 438 of the Code of Criminal Procedure, 1973 is not maintainable.

In that view of the matter, this application is disposed of as not maintainable.

**(Ashwani Kumar Singh, J)**

Amin/-

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