

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25033 of 2016

Arising Out of PS.Case No. -34 Year- 2015 Thana -HARIZAN District- BEGUSARAI

1. Deepak Kumar, son of Ramnath Rai,
2. Amit Kumar, son of Pachhu Rai @ Pachhu Rai,
Both Resident of Village- Rupnagar, P.S. Barauni, District- Begusarai.
.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

2 30-06-2016 Heard learned counsel for the petitioners and the
State.

The petitioners apprehend their arrest in a case under
Sections 147, 148, 149, 341, 323, 308 and 504 of the Indian Penal
Code and Section 3 (i) (x) of the Scheduled Castes/Scheduled
Tribes (Prevention of Atrocities) Act.

Allegation is that on the eve of Durga Puja, the
accused persons protested, as the informant tried to take photo of
goddess Durga.

Learned counsel submits that they are members of
the Durga Puja Samiti. Furthermore, as they scolded the informant
because the latter had misbehaved with some girls, the instant
false case has been lodged.

In my view, the anticipatory bail application itself would not be maintainable, as the case is instituted under Section 3 (i) (x) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act.

However, if the petitioners surrender before the court below and pray for regular bail, the same would be disposed of on the same day without being prejudiced by this order taking into consideration that the incident was not a premeditated one and took place on the spur of moment and also petitioners have clean antecedent.

(Samarendra Pratap Singh, J.)

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