

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26509 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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1. Sunil Kumar Singh
2. Subodh Singh @ Subodh Kumar Singh
Both sons of Ram Naresh Singh and resident of village Rajepur Nawada,
Police station – Pakarideyal, District East Champaran at Motihari

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Amrendra Kumar

For the Opposite Party/s : Mr. Sri Ram Shankar Das

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 30-06-2016 Heard Dr. Amrendra Kumar, learned counsel for the
petitioners and learned Additional Public Prosecutor.

Two petitioners, apprehending their arrest in
connection with Pakrideyal P.S. Case No. 26 of 2016 registered
for the offence under section 341, 323, 307, 354(A), 353 of the
Indian Penal Code and Section 3 (i)(x) of the Scheduled Castes &
Scheduled Tribes (Prevention of Atrocities) Act have prayed for
grant of anticipatory bail.

Learned counsel for the petitioners submits that earlier
from the petitioners' side a complaint was filed before the
District Magistrate regarding certain allegations against one of
the witnesses referred in the F.I.R. namely Yogendra Baitha and



teachers of a particular school. Thereafter an F.I.R. was lodged on 8.3.2016 vide Pakrideyal P.S. Case No. 25 of 2016 against Yogendra Baitha and others. Immediately thereafter as per instance of Yogendra Baitha, the accused of the earlier case, the present case was falsely instituted against the petitioners and others. Accordingly it was submitted that it was completely a false case and petitioners are required to be enlarged on anticipatory bail.

Besides hearing, I have also perused the material available on record. In view of submission made by learned counsel for the petitioners and considering the allegation in the F.I.R., the court is not inclined to extend the privilege of anticipatory bail particularly in view of Section 18 of the Scheduled Castes & Scheduled Tribes (Prevention Of Atrocities) Act, however instead of rejecting the present petition the court proposes to dispose of the present petition with observation that if petitioners appear before the court below and make a prayer for regular bail, the learned court below without being prejudiced with this order and considering the facts that earlier complaint was filed from the petitioners' side may examine the prayer for bail of the petitioners and pass appropriate order in accordance with law preferably on the same day.

The petition stands disposed of.

(Rakesh Kumar, J)

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