

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37273 of 2016

Arising Out of PS.Case No. -43 Year- 2015 Thana -DANDARI District- BEGUSARAI

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Aswani Kumar @ Anshu @ Aswani Kumar Anshu son of Late Markende
Sharma, resident of village- Tetri, P.S.- Dandari, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K.Singh, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, Spl. P.P.

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

ORAL ORDER

2 05-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has renewed his prayer for grant of pre-arrest bail in connection with Dandari P.S. Case No.43 of 2015 registered under Section 354 of the Indian Penal Code, Sections 8 and 12 of the Protection of Children from Sexual Offences Act and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989').

A similar application filed by the petitioner under Section 438 of the Code of Criminal Procedure (for short 'CrPC') was dismissed by this Court holding the application under section 438 of the CrPC to be not maintainable in view of the statutory bar

under Section 18 of the Act of 1989. There is no reason to take a different opinion in the present application.

Accordingly, the application is dismissed as not maintainable.

(Ashwani Kumar Singh, J)

Md.S./-

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