

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 39032 of 2016

Arising Out of PS.Case No. -73 Year- 2016 Thana -FULKAHA District- ARRARIA

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1. Ramesh Yadav son of late Biku Yadav
 2. Umesh Yadav son of late Biku Yadav
 3. Dilip Yadav son of Lailu Yadav
 4. Arjun Yadav @ Arjun Kumar son of Vihari Yadav
 5. Shivan Yadav son of late Boku Yadav
 6. Ram Dev Yadav son of late Kusum Lal Yadav
 7. Zugni Devi wife of Ramesh Yadav
- All are residents of village - Nawabganj Ward No. 08, Police Station - Fulkaha, District -Araria.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 19-09-2016 Heard Sri Mukesh Kumar Rana, learned counsel for petitioners and Sri Binay Krishna, learned Special Public Prosecutor.

Seven petitioners, apprehending their arrest in Fulkaha P.S. Case No. 73 of 2016 registered for offence under Sections 147, 341, 323, 324, 427, 379, 504 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short “SC/ST Act”), have prayed for grant of anticipatory bail.

It was submitted by learned counsel for petitioners that there was case and counter case in between the parties. He

submits that prior to lodging the present F.I.R., from petitioners' side, an F.I.R., vide Fulkaha P.S. Case No. 72 of 2016, was lodged and on false accusation, petitioners have been made accused in the present case. He further submits that place of occurrence is *Darwaja* of the informant and hence, it is not a case that publicly informant was abused with her caste name.

However, learned Special Public Prosecutor, opposing the prayer, submits that offences alleged in the F.I.R. categorically suggest commission of offence under the provision of SC/ST Act and in view of Section 18 of the SC/ST Act, the anticipatory bail petition may not be entertained.

Besides hearing learned counsel for the parties, I have also perused the material on record.

In view of facts and circumstances, the Court is of the opinion that it is not a case for grant of anticipatory bail.

Dismissed.

(Rakesh Kumar, J.)

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