

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52748 of 2016

Arising Out of PS.Case No. -1488 Year- 2015 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Bhola Singh, son of Late Awadh Singh, resident of Village- Chari, P.S.-
Nawadah, District- Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manti Devi, W/o Maheshwar Das, resident of Village- Pachohia, P.S.-
Kadirganj O.P., Nawadah, District- Nawadah.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Opposite Party/s : Mr. Sri Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 14-12-2016 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This second application, for grant of anticipatory
bail, arises out of Complaint Case No. 1488C of 2015,
alleging offences under Sections 376D of the Indian Penal
Code and Section 3 (i) (iii) (xi) of the Schedule Castes and
Schedule Tribes (Prevention of Atrocities) Act.

The petitioner had earlier approached this Court
seeking anticipatory bail in Criminal Misc. No. 14561 of
2016, which came to be disposed of by an order dated
22.04.2016 with an observation that the petitioner may
appear before the Court below and seek regular bail in the



light of the decision of this Court in the case of **Salim Ansari @ Md. Salim Ansari and Others v. The State of Bihar**, reported in **2015 (3) PLJR 807**.

There is an explanation in the application that because of medical condition, the petitioner could not appear before the Court below in terms of the order, dated 22.04.2016.

I do not find any reason to entertain this second anticipatory bail application after disposal of the earlier application, as has been noticed above. In the said order, it was clearly mentioned that there being bar under Section 18 of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, the application could not be entertained.

Considering the above, the only order which I intend to pass in the present case is that if the petitioner appears before the Court below within a period of three weeks from today and seeks regular bail, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced either by the delay on the part of the petitioner in appearing before the Court below in terms of the earlier order of this Court or because of rejection of the present application.

This application stands disposed of but with the



observation, as above.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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