

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 43918 of 2016

Arising Out of PS.Case No. -391 Year- 2015 Thana -DINARA District- SASARAM (ROHTAS)

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1. Birendra Rai @ Birendra Kumar Rai son of Late Nepal Rai.
 2. Dablu Rai @ Akhilesh Kumar Rai, son of Gauri Shankar Rai.
 3. Ravi Shankar Rai son of Late Nepal Rai.
 4. Jitendra Rai @ Loha Rai @ Anil Rai @ Anil Kumar Rai.
 5. Om Prakash Rai.
 6. J.P. Rai @ Jai Prakash Rai, Sons of Late Ram Newaj Rai. All resident of Village Gangarhi, P.S.- Dinara, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ras Bihari Thakur, Advocate
For the State : Mr. Binay Krishna, Spl P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 05-10-2016

Heard learned counsel for the parties.

The petitioners seek pre-arrest bail in Dinara P.S.

Case No. 391 of 2015 dated 21.12.2015 instituted under Sections 341/323/504/34 of the Indian Penal Code, 3(1)(x) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'Act') and 27 of the Arms Act.

At the very outset, learned Special P.P. raises a preliminary objection and submits that the present application under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code') is not maintainable in view of the specific bar under Section 18 of the Act. He submits that there are

allegations which make out offence under the Act and without going into the merits, Section 18 of the Act bars the application of Section 438 of the Code.

Having considered the matter, this Court finds substance in the objection of learned Special P.P.

In view of the bar of Section 18 of the Act, the present application is held to be not maintainable and, accordingly, dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	