

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39126 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -BAHADURGANJ District- KISANGANJ

- =====
1. Jallaluddin @ Jaliluddin
 2. Ismyail
 3. Afroz Alam are S/o Jainuddin
 4. Md. Shahid @ Sadique Alam @ Md. Sadiue Alam @ Guddu
 5. Shanawaj Both are s/o Jallaluddin @ Jaliluddin
 6. Soyeba Khatoon @ Soyeba W/o Jannuddin
 7. Mehbooba W/o Shahid Alam
 8. Sabnam Ara @ Sabnam D/o Shahid
 9. Zahid Alam S/o Mahmuddin All R/o of village - Loacha, P.S. Bahadurganj, District Kishanganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 21-09-2016 Sri Pankaj Kumar Sinha, learned counsel for the petitioners, in presence of learned Special Public Prosecutor for Schedule Caste Schedule Tribe (Prevention of Atrocities) Act and Sri Amal Kumar Sinha, learned counsel for the informant submits that during the pendency of this petition petitioner no. 2 namely Ismyail has already been arrested. Accordingly, prayer for grant of anticipatory bail in respect of petitioner no. 2 has

become infructuous and same is dismissed as infructuous.

Heard Sri Pankaj Kumar Sinha, learned counsel for the petitioners, learned Special Public Prosecutor for Schedule Caste Schedule Tribes (Prevention of Atrocities) Act as well as Sri Amal Kumar Sinha, learned counsel who has voluntarily appeared on behalf of the informant.

Nine petitioners, have approached this court with a prayer to grant bail in Bahadurganj P.S. Case No. 78 of 2016, registered for the offence under Sections 147, 148, 341, 323, 307, 504, 379, 354, 504, 506 of the Indian Penal Code and Section 3 (i)(x) of the Schedule Caste Schedule Tribe (Prevention of Atrocities) Act in the event of their arrest or surrender.

It was submitted by learned counsel for the petitioners that the land over which dispute arose was virtually purchased by the petitioner no. 7, 8 and 9 and as such, according to learned counsel for the petitioners false case was instituted, whereas learned Special Public Prosecutor opposing the prayer submits that from perusal of the F.I.R. it is evident that it was a case of commission of offence under Section 3 (i)(x) of the Schedule Caste Schedule Tribe (Prevention of Atrocities) Act. He submits that in view of Section 18 of the Schedule Caste Schedule Tribe (Prevention of Atrocities) Act anticipatory bail petition may not

be entertained. I am in agreement with the submission made by learned Special Public Prosecutor.

Keeping in view the nature of accusation I do not find it a case to entertain the privilege of anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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