

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 48821 of 2016

Arising Out of PS.Case No. -40 Year- 2016 Thana -SC/ST District- PURNIA

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1. Dilip Mahaldar Son of Late Ramu Mahaldar
2. Gulabi Mahaldar Son of Sri Dilip Mahaldar
3. Sanjo Devi wife of Sri Dilip Mahaldar, all resident of Village- Balua,
P.S.- K.Nagar, District- Purnea.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 07-12-2016 In the present petition, petitioners have prayed for grant of anticipatory bail. Petitioners, besides accused for offences under the provisions of Indian Penal Code, are also accused under the provision of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “SC/ST Act”) and as such, in view of recent Division Bench judgment dated 27-10-2016 passed in Cr. Misc. No. 25276 of 2016, the petition filed under Section 438 of the Cr.P.C. before this Court after rejection of anticipatory bail by the Special Court may not be maintained.

Accordingly, the petition stands dismissed as same is not maintainable.



However, it is made clear that petitioners are not precluded to file an appeal under the provisions of SC/ST Act.

(Rakesh Kumar, J.)

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