

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22778 of 2016

Arising Out of PS.Case No. -27 Year- 2015 Thana -SC/ST District- MADHUBANI

- =====
1. Ramesh Jha @ Ramesh Chandra Jha S/o Chandrashekhar Jha
 2. Chandrashekhar Jha S/o Late Gangadhar Jha
 3. Sonu Jha S/o Prem Jha
- All resident of village - Batauna, P.S. Benipatti, District - Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Ambika Bhagat(App)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 25-07-2016 Heard Sri Sumit Kumar Singh, learned counsel, who was assisted by Sri Ratnakar Jha, learned counsel for the petitioners and Sri Ambika Bhagat, learned Special Public Prosecutor.

Three petitioners, apprehending their arrest in connection with Madhubani SC / ST P.S. Case No. 27 of 2015 , G.R. No. 1662 of 2015 registered for the offence under section 147, 149, 341, 323, 379, 354(B), 504 of the Indian Penal Code and section 3 (i) (f) (R)(s) (i) (ii) of the SC / ST Act, have prayed for grant of anticipatory bail.



It was submitted by learned counsel for the petitioners that initially a complaint case was filed which was referred to the police and thereafter the present F.I.R. was lodged. He submits that in the F.I.R. itself it has been disclosed that occurrence had initially taken place long back on 15.3.2015 whereas no complaint was filed. However, once in relation to a disputed land a complaint was filed by the petitioners before the Collector, Madhubani, a case was filed before the Collector, Madhubani vide Misc. Case No. 19 of 2015-16 under the provisions of Bihar Privileged Persons Homestead Tenancy Act and thereafter the present F.I.R. has been lodged. On the aforesaid ground a prayer has been made for grant of anticipatory bail whereas learned Special Public Prosecutor by way of referring to the F.I.R. submits that from perusal of the F.I.R. offences under the SC /ST Act is made out and as such in view of Section 18 of the SC/ ST Act this court may not entertain the present petition.

Besides hearing, I have perused the F.I.R. After going through the F.I.R. the court is of the opinion that it would be difficult to record a finding that it was a false case. The petition for grant of anticipatory bail is rejected. However, it is observed that if petitioners appear before the court below and make a payer for regular bail within a period of six weeks from

today, the learned court below without being prejudiced with this order may examine the same and pass appropriate order in accordance with law preferably on the same day.

(Rakesh Kumar, J)

Praful/-

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