

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12990 of 2016

Arising Out of PS.Case No. -44 Year- 2015 Thana -SAHPUR District- PATNA

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1. Bishundayal Rai son of Late Deo Nandan Rai
 2. Sanjay @ Sanjay Kumar son of Bishun Dayal Rai
 3. Mannu @ Mannu Kumar son of Bishun Dayal Rai
 4. Teju Rai son of Late Parmanand Rai
 5. Vakil Rai son of Late Ramanand Rai
 6. Deepak Kumar @ Deepak Rai son of Vakil Rai
 7. Bipin Kumar son of Vakil Rai All are resident of village- Akaluchak (Mathiyapur), P.S.- Shahpur, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Sadanand Paswan (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 13-04-2016 Heard.

The petitioners are facing accusations in minor sections of the Indian Penal Code as also under Sections- 3(1)(X) of the S.C. & S.T. (Prevention of Atrocities Act) (for short 'Act').

It is alleged that the accused(s) abused/assaulted the informant. They fisted and slapped the informant causing minor injuries. There is a counter version also lodged by the accused Upendra Prasad registered under Section 147, 148, 149, 341, 323, 354, 379 of the Indian Penal Code. On going through the records, it appears that the allegations are trivial and there is a

defence of the petitioners in the shape of a counter version lodged subsequently but relating to the same occurrence.

The counsel for the petitioners submitted that falsity of allegation is apparent as one accused namely Ram Jatan Rai had died at least a decade ago. He submits that it is a fit case for grant of anticipatory bail.

The Spl. APP draws attention of the Court to Section 18 of the Act which bars the court to grant the privilege of anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to extend the privilege of anticipatory bail, leaving the petitioners to surrender and seek regular bail. If they do so, the same shall be considered and disposed of by the learned Trial Court unprejudiced by the present order.

(Kishore Kumar Mandal, J)

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