

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24688 of 2016

Arising Out of PS.Case No. -251 Year- 2014 Thana -PIRPAINTI District- BHAGALPUR

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1. Kamlesh Mahto Son of Bansi Mahto Resident of village- Koriyachak,
P.S.- Pirpanti, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 15-06-2016 Heard learned counsel for the petitioner as well as

learned Special Public Prosecutor for the State.

Petitioner and eight other persons have been made
accused in a case registered for the offences punishable under
Sections 343, 504, 506 of the Indian Penal Code and Section 3(i)
(x) of S.C./S.T. (Prevention of Atrocities) Act on the accusation
that they prevented the informant, who happens to be member of
Scheduled Castes Community from casting vote and abused him
by calling his caste name.

Submission on behalf of the petitioner is that
petitioner was summoned by the police and subsequently, taken
into custody but later on, he was released on bail on furnishing
bonds and, therefore, in the light of decision of **Mahendra Prasad**

Singh vs. The State of Bihar reported in 2004(3) PLJR, 491, this court may direct the trial court to pass appropriate order, if petitioner surrenders/appears before the concerned court.

It is further submitted by learned counsel for the petitioner that all the sections are bailable in nature, except the offences said to be punishable under the provisions of S.C./S.T. (Prevention of Atrocities) Act but as a matter of fact, the fact of the present case does not disclose the offence of S.C./S.T. Act.

On the other hand, learned Special Public Prosecutor appearing for the State refuted the above stated submissions arguing that fact of the present case clearly discloses the offence punishable under the provisions of S.C./S.T. Act. It is further submitted by him that decision of Mahendra Prasad Singh vs. The State of Bihar (Supra) is not applicable in this case because the petitioner was summoned by the police under Section 41(A) of the Cr.P.C. and the bond from the petitioner was taken only for the purposes of interrogation.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition stands dismissed being not maintainable.

However, petitioner is directed to surrender before the court of Sub Divisional Judicial Magistrate,

Bhagalpur/concerned court in connection with Pirpanti P.S. Case No. 251 of 2014 within four weeks from the date of receipt/production of copy of this order and if petitioner does so, the concerned court shall pass appropriate order in accordance with law without being prejudiced by this order.

(Hemant Kumar Srivastava, J)

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