

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26512 of 2016

Arising Out of PS.Case No. -18 Year- 2016 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Chandeshwar Soni , son of Raghuvar resident of mohalla – Samajbadi Chowk, Police station Ramnagar, District West Champaran
 2. Raushan Soni, son of Achhelal Soni, resident of village Majauna, police station Shikarpur District West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 30-06-2016 Heard Sri Sanjay Kumar No. 7, learned counsel for
the petitioners and Sri Sadanand Paswan, learned A.P.P.

Two petitioners, have approached this court for grant of anticipatory bail in connection with Ram Nagar P.S. Case No. 18 of 2016 registered for the offence under section 341, 323, 504, 34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes And Scheduled Tribes (Prevention of Atrocities) Act.

By way of referring to the F.I.R. learned counsel for the petitioners submits that in the F.I.R. itself there is specific accusation against two accused persons to show that they have committed the offence, in the F.I.R. whereas there is no whisper that besides the two F.I.R. named accused persons any other person had committed the offence or not. However, during

investigation to the reasons best known to the police, the petitioners were implicated and as such, a prayer is being made for extending the privilege of anticipatory bail. He further submits that the learned court below has incorrectly rejected the anticipatory bail petition on the ground that it is not maintainable under section 18 of the SC /ST Act. He submits that there is no element for application of offence under the provisions of SC/ST Act so far as the petitioners are concerned. However, after examining the impugned order it is evident that petitioners were released on bond under section 41(1) (A) of the Cr.P.C. From the order impugned it is further evident that the court below has earlier only summoned the accused petitioners.

In view of the facts and circumstances and particularly the fact that petitioners are already on police bond, the present anticipatory bail petition may not be entertained. Since summon has been issued and petitioners are already on police bond the petitioners may approach the court below in accordance with law.

The petition stands disposed of.

Praful/-

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(Rakesh Kumar, J)