

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28208 of 2016

Arising Out of PS.Case No. -1086 Year- 2015 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Ramashish Sharma S/o Late Surith Mistry
2. Sanjay Mistry S/o Ramashish Sharma
3. Bada Guddu S/o Ramashish Sharma
4. Chhota Guddu S/o Ramashish Sharma
All are R/o Village Simari Dhamani, P.S. Mali, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sarvar Paswan S/o Late Kesho Paswan R/o Village - Simari Dhamani,
P.S. Mali, District - Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 26-07-2016 Heard Smt. Asha Verma, learned counsel, who was

assisted by Sri Amarendra Kumar Singh, learned counsel for the

petitioners and Sri Sadanand Paswan, learned Special Public

Prosecutor.

Four petitioners, apprehending their arrest in
connection with Complaint Case 1086 of 2015 registered for the
offence under section 323, 341, 379 of the Indian Penal Code ,
section 3(i)(x) of the Scheduled Castes And Scheduled Tribes
(Prevention of Atrocities) Act, have prayed for grant of
anticipatory bail.

Learned counsel for the petitioners submits that since



prior to lodging of the present complaint from the petitioners' side case was lodged against the complainant, in retaliation on false accusation the present case has been instituted. She further submits that the land in question over which the alleged occurrence has taken place, is actually belonging to the petitioners' side. It has also been argued that in view of the facts disclosed in the complaint petition the provisions of Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act is not applicable and as such it is a fit case for extending the privilege of anticipatory bail.

However keeping in view the fact that in the complaint petition allegation has been levelled showing possibility of commission of offences under the Scheduled Castes And Scheduled Tribes (Prevention of Atrocities) Act the court is of the opinion that it would be difficult for this court to grant anticipatory bail. However if petitioners appear before the court below within a period of six weeks from today and make a prayer for regular bail, the court expects that the learned court below without being prejudiced with this order and considering the fact that earlier from the petitioners' side case was lodged against the complainant and it is a complaint case, may examine the same in its right perspective and pass appropriate order preferably on

the same day.

The petition stands disposed of.

(Rakesh Kumar, J)

Praful/-

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