

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34727 of 2016

Arising Out of PS.Case No. -3 Year- 2015 Thana -HARIJAN District- PATNA

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1. Ajit Kumar Sharma @ Ajit Singh Son of Ram Nath Singh
 2. Chintu Kumar Son of Sri Gunjan Singh
 3. Dharamjit Kumar Son of Sri Gunjan Singh All resident of village- Bela, Police- Station Naubatpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Priyedarshi

For the Opposite Party/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-09-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147,148,149,323,341,307,379 and 504 of the Indian Penal Code, section 27 of the Arms Act and sections 3(1)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

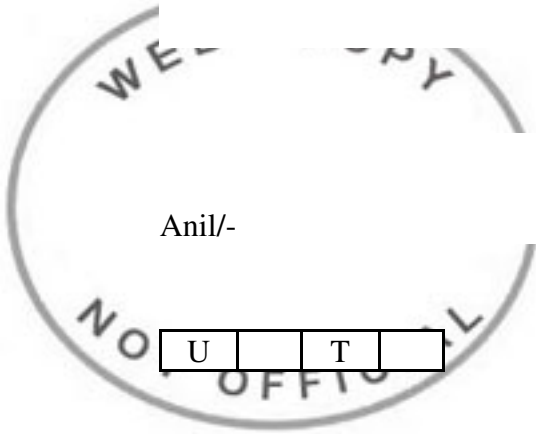
The prosecution case is that the accused persons abused the informant and her family by calling the caste name, assaulted the husband and son of the informant and snatched rupees four thousand two hundred from the pocket of informant's

husband.

It is submitted by the learned counsel for the petitioners that the accusation has been levelled in the background of petty dispute. For the occurrence of 17.12.2014 the FIR was registered on 20.1.2015 and the informant, her son and husband have not received any injury. It is further submitted that even assuming the accusation no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. On conclusion of investigation, charge sheet has not been submitted under section 307 IPC.

Keeping in view of the fact that anticipatory bail application is not maintainable and the fact that chargesheet has also been submitted under section 3(1)(x) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, this court is not inclined to grant anticipatory bail to the petitioners but in view of the nature of accusation, it is a case for consideration of the prayer for regular bail of the petitioners by the learned court below in case the petitioners surrender within six weeks from today in connection with SC/ST P.S. Case No. 3 of 2015 pending in the court of learned ACJM, Danapur. The bail application of the petitioner may be disposed of preferably on the same day.

This application is disposed of with the
aforesaid observation/direction.



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(Dinesh Kumar Singh, J)