

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 43904 of 2016

Arising Out of SC/ST PS.Case No. -4 Year- 2016 Thana -HARIJAN District- SASARAM
(ROHTAS)

- =====
1. Bindeshwari Bhagat Son of Sri Ram Pravesh Bhagat.
 2. Chintamani Devi, Wife of Bindeshwari Bhagat.
 3. Pratima Kumari daughter of Bindeshwari Bhagat.
 4. Anand Kumar, Son of Bindeshwari Bhagat.
- All Residents of Village- Tar Bangla, P.S.- Dehri, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sada Nand Roy, Advocate
For the State	:	Mr. Binay Krishna, SPL P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 05-10-2016

Heard learned counsel for the parties.

The petitioners seek pre-arrest bail in SC/ST P.S.

Case No. 04 of 2016 dated 23.01.2016 instituted under Sections 341/323/307/354/504/506/34 of the Indian Penal Code and 3(1)(x)(xi) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The allegations against the petitioners are that they had abused and assaulted the informant at her house.

Learned A.P.P. at the very outset raises a preliminary objection and submits that as per Section 18 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities)

Act, 1989 a petition under Section 438 of the Code of Criminal Procedure, 1973 is not maintainable. It is submitted that *prima facie* the Court has found material to substantiate the allegation since cognizance has been taken for offences under the Act also by the Court concerned.

This Court finds substance in the submissions of learned Special P.P.

Accordingly, the application stands dismissed in view of the specific Bar of Section 18 of the Act, being not maintainable.

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	