

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3269 of 2016

Arising Out of PS.Case No. -20 Year- 2015 Thana -KORMA District- SEKHPURA

- =====
1. Surendra Mahto Son of Brahmdeo Mahto
 2. Randhir Mahto Son of Surendra Mahto Both sl no. 1 and 2 R/o Village - Murarpur, P.s Koma, Dist Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-01-2016

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 342, 504 of the Indian Penal Code and Section 3(1)(x) of the SC & ST (Prevention of Atrocities) Act and Section 27 of the Arms Act.

The prosecution case is that the cow of the informant was grazing the vegetable crop of the accused persons when the accused persons came to the house of the informant, abused him by calling caste name and assaulted. The accused persons also resorted to fire.

It is submitted by learned counsel for the petitioners that for a petty dispute the accusation has been levelled and similarly situated co-accused have been granted anticipatory bail by a coordinate Bench of this Court vide Cr. Misc. No. 36894 of 2015.

This Court is not inclined to interfere only because the impugned order reflects that it was submitted on behalf of the petitioner that anticipatory bail is not maintainable which reads as follows:-

“The learned advocate for the petitioners submits that the case may kindly be disposed of as it is not maintainable within the provision of SC/ST Act and 18 Sc/St Act.”

However, keeping in view of the fact that similarly situated co-accused have been granted anticipatory bail, it is a case for consideration of prayer for regular bail, if the petitioners surrender within a period of six weeks in connection with Korma P.S. Case No. 20 of 2015, pending in the Court of learned Chief Judicial Magistrate, Sheikhpura.

With the observations above, the application stands disposed off.

(Dinesh Kumar Singh, J)

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