

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28413 of 2016

Arising Out of PS.Case No. -7 Year- 2012 Thana -ARA HARIJAN District- BHOJPUR

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Baliram Yadav, son of Shivjee Yadav, resident of village-Vakura, P.S. Ara
Muffasil, Dist-Bhojpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 27-07-2016 Heard Sri Rajendra Nath Sinha, learned counsel for

the petitioner and Sri Sadanand Paswan, learned Addl. Public
Prosecutor.

The sole petitioner has approached this Court for
grant of anticipatory bail in a case, in which learned Magistrate
has taken cognizance of offence under Sections 341, 323, 504, 379
of the Indian Penal Code. Besides Indian Penal Code, the learned
Magistrate has also taken cognizance under Section 3(1)(x) of
Scheduled Castes & Scheduled Tribes (Prevention of Atrocities)
Act (herein after referred to as “SC/ST Act”) in SC/ST P.S. Case
No.7/12.

It was submitted by learned counsel for the
petitioner that though the F.I.R. was lodged for the offence under

the provisions of SC/ST Act besides the provision of Indian Penal Code, during investigation, no such accusation was found true and the police submitted report under Section 504 of the Indian Penal Code. However, the learned Chief Judicial Magistrate differing with the police report has taken cognizance of offence under Section 3(1)(x) of SC/ST Act besides offences under Indian Penal Code.

Learned counsel for the petitioner tried to persuade the Court that there is no application of provision of Section 3(1)(x) SC/ST Act, whereas learned Addl. Public Prosecutor, opposing the prayer for grant of anticipatory bail, submits that in the F.I.R. itself, there was accusation. Moreover, the learned Magistrate has already taken cognizance under Section 3(1)(x) of SC/ST Act besides the provision of the Indian Penal Code.

Keeping in view restriction for grant of anticipatory bail as contained in Section 18 of SC/ST Act as well as the fact that the learned Magistrate has already taken cognizance of the offences, there is no reason to entertain the present petition.

The petition stands dismissed.

(Rakesh Kumar, J)

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