

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28406 of 2016

Arising Out of PS.Case No. -192 Year- 2015 Thana -RAGHUNATHPUR District- SIWAN

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Arvind Pathak Son of Sri Ramadhar Pathak R/o Village-Surywalia, P.S. -
Raghunathpur, District-Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kr. Pandey

For the Opposite Party/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 28-07-2016 Heard Sri Ranjeet Kumar Pandey, learned counsel for

the petitioner and Sri Sadanand Paswan, learned Special Public

Prosecutor.

The sole petitioner, apprehending his arrest in connection with Raghunathpur P.S. Case No. 192 of 2015 registered for the offence under section 435 of the Indian Penal Code and section 3(2)(iii)of the Scheduled Castes And Scheduled Tribes (Prevention of Atrocities)Act , has prayed for grant of anticipatory bail primarily on the ground that out of five F.I.R. named accused persons, three have already been extended the privilege of anticipatory bail vide order dated 1.4.2016 passed in Cr. Misc. No. 7788 of 2016 (Annexure – ‘2’ to the present petition). He submits that petitioner’s case is exactly identical to

the case of other three accused persons, who have been granted anticipatory bail.

Learned Special Public Prosecutor by way of referring to the F.I.R. submits that it was a case for offence under section (3)(2) III of the Scheduled Castes And Scheduled Tribes (Prevention of Atrocities) Act and in view of section 18 of the Scheduled Castes And Scheduled Tribes (Prevention of Atrocities) Act entertaining anticipatory bail is barred. However he was not in a position to distinguish the case of the petitioner with other three accused persons, who have been granted anticipatory bail vide Cr. Misc. No. 7788 of 2016. Even on being asked by the court as to whether against the order passed in the case of co- accused in Cr. Misc. No. 7788 of 2016 any appeal has been preferred , he was not in a position to inform the court regarding filing of appeal.

Keeping in view the fact that in identical situation three other co- accused persons have been extended the privilege of anticipatory bail , there is no reason to deny the same relief to the petitioner . Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioner Arvind Pathak be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each

to the satisfaction of A.C.J.M. IV, Siwan/concerned court in connection with Raghunathpur P.S. Case No. 192 of 2015 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

Praful/-

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