

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28427 of 2016

Arising Out of PS.Case No. -104 Year- 2016 Thana -CHAPRA MUFFASIL District- SARAN

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Sainik Singh Son of Late Kameshwar Singh, resident of Village- Jalalpur,
P.S.- Chhapra Mufassil, District- Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr.Adv.
Mrs. Anju Kumari @ Anju Narain, Adv.
For the Opposite Party/s : Mr. Ambika Bhagat, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 28-07-2016 Heard Sri Rajendra Narain, learned senior counsel,
who was assisted by Smt. Anju Kumari @ Anju Narain, learned
counsel for the petitioner and Sri Ambika Bhagat, learned Special
Public Prosecutor.

The sole petitioner, apprehends his arrest in Chapra
Mufassil P.S. Case No. 104 of 2016 registered for offence under
Sections 323, 324, 379 & 504 of the Indian Penal Code and
Section 3(i)(x) of the Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989 (in short “SC/ST Act”), has
prayed for grant of anticipatory bail.

At the very outset, learned senior counsel for the
petitioner, by way of referring to F.I.R., submits that the allegation
alleged does not disclose any element of offence under Section



3(i)(x) of the SC/ST Act, whereas, the learned Sessions Judge has rejected the prayer for anticipatory bail only in view of Section 18 of the SC/ST Act, as there is bar for entertaining anticipatory bail petition. He submits that if allegation disclosed in the F.I.R. does not make out a case for offence under the provisions of the SC/ST Act, certainly, there would be no question for application of Section 18 of the SC/ST Act. He further submits that there is no injury report available in the case diary. Regarding offence under Section 379 of the I.P.C., he submits that on perusal of the F.I.R., it appears that said section has been incorporated only to give a colour of seriousness of the offence.

Learned Special P.P. has opposed the prayer for grant of anticipatory bail, primarily on the ground that there is complete bar under Section 18 of the SC/ST Act in entertaining an anticipatory bail petition, however; after going through the F.I.R., he was also not in a position to satisfy the Court as to whether there is any element for application of the provisions of SC/ST Act or not.

In view of facts and circumstances, particularly the nature of accusation, as per F.I.R., the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within

a period of six weeks from today, let the petitioner namely Sainik Singh be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Mufassil P.S. Case No. 104 of 2016, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

(Rakesh Kumar, J.)

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