

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39225 of 2016

Arising Out of PS.Case No. -1482 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Santosh Das, son of Laxmi Das
2. Sankar Das, son of Ram Ashish Das
Both residents of Village- Kapraul, Chainpura, P.S. Riga, Dist-
Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar.
2. Chandra Kishor Baitha, son of Late Kalichand Baitha, resident of
Village- Kapraul Chainpura, P.S. Riga Dist Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra

For the Opposite Party/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 23-09-2016 Heard Sri Ranjeet Kumar Mishra, learned counsel
for the petitioners and Sri Binay Krishna, learned Special Public
Prosecutor for SC/ST Act.

Two petitioners, who are member of Scheduled
Caste, have approached this Court with a prayer to grant
anticipatory bail in Complaint Case No.C-1/1482 of 2014,
Tr.No.595 of 2016, in which cognizance order was passed for the
offence under Sections 323, 341, 452, 380/34 of the Indian Penal
Code and Section 3(1)(x) of Scheduled Castes & Scheduled
Tribes(Prevention of Atrocities) Act (hereinafter referred to as
the “SC/ST Act”).



By way of referring to complaint, it was submitted by learned counsel for the petitioners that there is allegation against the petitioners of assault and abusing the complainant by calling his caste name. He further submits that since the petitioners are member of Scheduled Caste, certainly petitioners may not be prosecuted under the provisions of SC/ST Act. He further submits that the informant of the present case had earlier tried to commit rape on the daughter of petitioner no.1 and on the basis of statement of daughter of petitioner no.1, namely, Rekha Kumari, an F.I.R. was lodged vide Riga P.S. Case No.178/2014 registered for the offence under Section 342, 354A, 354B, 376/ 511/34 of the Indian Penal Code. In the F.I.R., the complainant of the present case has been arrayed as Accused no.2. He further submits that the case, which was registered by daughter of petitioner no.1, the police after investigation has found true and submitted chargesheet against the complainant.

Learned Addl. Public Prosecutor has opposed the prayer for grant of anticipatory bail. However, he was not in a position to dispute that once the petitioners, who are also member of Scheduled Caste, they may not be prosecuted for the offence under the SC/ST Act.

Moreover, I have perused the complaint petition as

well as materials on record. Keeping in view the fact that the petitioners are also member of Scheduled Caste as per Annexure-3 to the present petition, the Court is of the opinion that petitioners can be extended the privilege of anticipatory bail. Accordingly, let both petitioners, namely, (i) Santosh Das and (ii) Sankar Das, in the event of their arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No.C-1/1482 of 2014, Tr.No.595 of 2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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