

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39286 of 2016

Arising Out of PS.Case No. -34 Year- 2013 Thana -MADHEPURA District- MADHEPURA

- =====
1. Mrs. Anju Devi @ Mrs. Manju Devi, Wife of Shri Ajay Kumar Singh.
 2. Mr. Ajay Kumar Singh, Son of Late Hira Prasad Singh.
- Both residents of Village- Mahua, P.S.- Ghailardh, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 26-09-2016 Heard Sri Abhay Kumar Jha, learned counsel, who was assisted by Sri Sanjay Kumar Jha, learned counsel for the petitioners and learned Additional Public Prosecutor.

Two petitioners, who are Mukhiya and Mukhiyapati respectively, have approached this court for grant of bail in Madhepura (Ghailardh) P.S. Case No. 34 of 2013 registered for the offence under Section 341/ 323/ 353 and 504 of the Indian Penal Code read with Section 34 of the Indian Penal Code and Section 3 (i)(x) of the Schedule Caste Schedule Tribe (Prevention Of Atrocities) Act , in the event of arrest or surrender.

It was submitted by learned counsel for the petitioners that of -course in the F.I.R. petitioners were made accused however during investigation allegation against the petitioners

was found not true and as such petitioners were exonerated whereas, other two accused persons who were named in the F.I.R. they were forwarded as accused. He submits that the learned Chief Judicial Magistrate vide order dated 19.11.2014 differing with the police report has taken cognizance of offence and directed for summoning the petitioners. It has also been argued that there is no specific accusation against the petitioner no. 1 and she was Mukhiya. On aforesaid ground a prayer has been made for grant of anticipatory bail.

In this case even after submission of final report in favour of petitioners the learned Magistrate differing with the police report has passed order of cognizance. After the order of cognizance in which commission of offence under the provisions of Schedule Caste Schedule Tribe (Prevention of Atrocities) Act, has been noticed by the learned Chief Judicial Magistrate, in view of Section 18 of the Schedule Caste Schedule Tribe (Prevention of Atrocities) Act, it would be difficult for this court to entertain the anticipatory bail petition. Accordingly, the same stands dismissed.

(Rakesh Kumar, J)

Praful/-

U		T	
---	--	---	--