

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.843 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -HARIZAN District-
MUNGER

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1. Jitendra Jaiswal, Son of Deo Nandan Choudhary.

2. Pinki Jaiswal, Wife of Hemant Jaiswal.

3. Hemant Jaiswal, Son of Deo Nandan Choudhary.

All residents Mohalla-Refuji Colony, P.S.-Kotwali, District-Munger.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Indu Bhushan

Mr. Sunil Kumar

For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT & ORDER

Date: 10-11-2016

The present application has been preferred, under
Section 14A(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, against the order, dated
17.08.2016, passed by the learned 1st Additional Sessions
Judge, Munger, in A.B.A. No. 454 of 2016, whereby, he has
rejected the application filed by the petitioners for grant of

anticipatory bail.

2. Learned counsel, appearing on behalf of the petitioners, has submitted that because of some dispute, civil in nature, between the petitioners and the informant over flow of *Nala*, a patently false case has been lodged. He has submitted that the allegation made in the First Information Report is completely unbelievable, in which members of the same family including females have been made accused.

3. However, it appears, on the basis of allegation made in the First Information Report, that an offence, under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is made out on the basis of allegation made in the First Information Report and, therefore, there being bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, rejection of anticipatory bail application by the order impugned, dated 17.08.2016, cannot be faulted with. However, I find substance in the submission so advanced on behalf of the petitioners that the First Information Report appears to have been lodged because of some civil dispute between the informant and the petitioners.

4. Considering the facts and circumstances, it is directed that if the petitioner Nos. 1 to 3, above named, appear before the learned court below within a period of 15

days from today and apply for regular bail, their application shall be considered and disposed of on the same day taking into account the nature of dispute between the parties.

5. This appeal stand disposed of accordingly.

(Chakradhari Sharan Singh, J.)

Praveen-II/-c

AFR/NAFR	NAFR
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