

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11509 of 2016

Arising Out of PS.Case No. -120 Year- 2015 Thana -BAHADURGANJ District- KISANGANJ

- =====
1. Afsar son of Mohamuddin
 2. Nakim, son of Late Asimuddin both residents of village Paiktola(Palasmani) P.S. Bahadurganj, Kishanganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha

For the Opposite Party/s : Mr. Narsingh Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 23-05-2016 As prayed, the application on behalf of petitioner no.1 is dismissed as withdrawn.

Petitioner no.2 apprehends his arrest in Bahadurganj P.S. Case No. 120 of 2015 registered under section 307/34 IPC and section 3(i) (x) of the SC/ST(Prevention of Atrocities) Act (for short ‘the Act’) and seek anticipatory bail.

It is alleged that while the informant was at his shop the accused persons, including the petitioner, came and started abusing the informant by his caste name. On protest, he was also fisted by them. Further allegation of causing injury is attributed/ascribed to the co-accused Shakil.

The contention of the petitioner is that there is no allegation of causing any injury, serious in nature, to the

informant. The mother of the petitioner has lodged a case against the brother of the informant for having kidnapped her daughter. This is in retaliation thereof.

The learned APP opposes the prayer and submits that section 18 of the Act disables the Court to grant the privilege of anticipatory bail. Although the allegation against the petitioner is trivial in nature, but considering the bar under section 18 of the Act, I am not extending the privilege of anticipatory bail to the petitioner. He should surrender and seek regular bail.

The application stands disposed of.

(Kishore Kumar Mandal, J)

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