

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2239 of 2016

Arising Out of PS.Case No. -2 Year- 2015 Thana -SIKTI District- ARRARIA

Parwej Khan @ Khushnoor @ Md. Parwez, Son of Ismail Khanm, Resident
of Village- Bardaha College Tola, P.S.- Sikty (Bardaha), District- Araria.
.... Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ambika Bhagat, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 18-01-2016

Heard learned counsel for the petitioner and learned

Special Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with Sikty (Bardaha) P.S. Case No. 02 of 2015 registered under Sections 447, 341, 323, 307, 379, 427 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It is contended that though the FIR has been registered under Sections 447, 341, 323, 307, 379, 427 of the Indian Penal Code, during course of investigation, the allegations made under Sections 379 and 307 of the Indian Penal Code were not found true. The other sections are all bailable in nature except Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The further

contention is that parties are closely known to each other and later on, due to intervention of common friends and well-wishers, the informant has amicably settled the dispute outside the Court and a compromise petition has also been filed in the court below.

Be that as it may, regard being had to the allegation made under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the present application under Section 438 of the Code of Criminal Procedure is not maintainable.

In that view of the matter, the application is disposed of as not maintainable.

However, if the petitioner surrenders and seeks bail, keeping in mind the compromise petition filed before the court below, the learned Judicial Magistrate-1st Class, Araria shall release him on bail on furnishing bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to his own satisfaction in connection with Sikty (Bardaha) P.S. Case No. 02 of 2015.

(Ashwani Kumar Singh, J.)

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