

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30837 of 2016

Arising Out of PS.Case No. -40 Year- 2015 Thana -SC SC PS District- VAISHALI(HAJIPUR)

- =====
1. SAHEDEO RAI @ SAHDEO RAI
 2. Niraj Kumar son of Sahadeo Rai Both resident of Village- Devaich, P.S.-
Tisauta, District- Vaishali
 3. Binod Rai son of Late Rajendra Rai Resident of Village- Tarasinghara,
P.S. Mahua, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 24-08-2016 Heard the learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in
connection with SC/ST P.S. Case No. 40 of 2015 registered for
the offences punishable under Sections 341, 323, 504, 379/34
of the Indian Penal Code and Section 3 (I)(X) of the Scheduled
Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

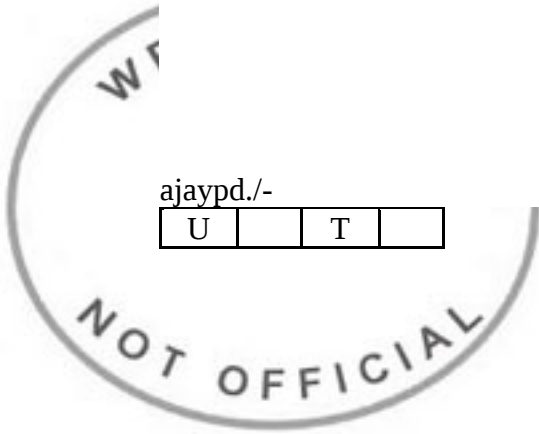
Learned Special Public Prosecutor appearing on
behalf of the Scheduled Caste/Scheduled Tribes has made a
preliminary objection that the present application is not
maintainable, in view of the new amendment of Section 14A of

the SC/ST Act. However, after perusal of the Section, this Court clearly distinguishes between bail and pre-arrest bail and therefore, the preliminary objection raised by the Special P.P. stands overruled. Accordingly, the application is being heard on merits.

Learned counsel for the petitioner submits that under similar circumstances co-accused Shiv Kumari Devi, wife of petitioner no. 1, Sahdeo Rai @ Sahdeo Rai and one other have been extended the privilege of anticipatory bail by this Court in Criminal Miscellaneous No. 11346 of 2016 vide order dated 05.05.2016. The present petitioners, also, being the husband and son of the said co-accused Shiv Kumari Devi may also be extended the said privilege of anticipatory bail.

Having heard learned counsel for the petitioners and the learned counsel for the State and also because of the fact that similarly situated co-accused persons have been granted the privilege of anticipatory bail, let the petitioners abovenamed in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the each amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Vaishali at Hajipur in connection with SC/ST P.S. Case No. 40 of 2015,

subject to the conditions as laid down under Section 438 (2) of
the Cr.P.C.



(Anjana Mishra, J)