

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7717 of 2016

Arising Out of PS.Case No. -63 Year- 2015 Thana -SC/ST District- ARRARIA

Md. Ezaz, Son of late Wali Ahmed, Resident of Ward no. 15,
Pokhar Basti, P.S.-Farbisganj, District-Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwanath Pd. Singh, Adv.

For the State : Mrs. Sahin Begum, APP

For the Informant : Mr. Md. Naushaduzzoha, Adv.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 30-03-2016 Heard learned counsel for the petitioner,
learned Additional Public Prosecutor for the State and
learned counsel for the informant.

This application, for grant of anticipatory bail,
arises out of Araria SC/ST P.S. Case No.63 of 2015,
disclosing offences under Sections 341, 323, 307, 504 and
379/34 of the Indian Penal Code and under Section 3(1)
(x) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Learned counsel for the petitioner submits that



no offence, under Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is made out against the petitioner on the basis of allegation, as contained in the First Information Report, inasmuch as there is no allegation that the petitioner used any abusive language within a public view. He submits that the First Information Report has been maliciously instituted, which is exaggerated version of the occurrence, which might have taken place. He further submits that there is no chance of the petitioner fleeing away from the course of justice or tampering with the evidence. The petitioner has no criminal antecedent, as stated in paragraph 3 of the application.

Learned counsel for the informant, on the other hand, has opposed the prayer for anticipatory bail and has submitted that there being bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the anticipatory bail should not be granted to the petitioner.

However, I find substance in the submission made on behalf of the petitioner that offence, under Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is not made out against the petitioner and mere mentioning of the section

would not create any bar in entertaining anticipatory bail application under Section 18 of the said Act.

This application is, accordingly, allowed. Let the petitioner, abovenamed, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Araria**, in connection with **Araria SC/ST P.S. Case No.63 of 2015**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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