

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47971 of 2015

Arising Out of PS.Case No. -176 Year- 2015 Thana -MANIYARI District- MUZAFFARPUR

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Aman Kumar Son of Birendra Kumar Sharma @ Birendra thakur, resident
of village - Rqaghunathpur, P.S. - Musahari, District - Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Ram Shankar Das, Spl. APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 29-01-2016

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 302, 364/34 and 201 of the Indian Penal Code as also under Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The learned counsel appearing on behalf of the petitioner has argued the matter at some length and submitted that the offences as alleged are not applicable in the present case.

However, the learned counsel appearing on behalf of the informant submits that during course of investigation, the eye-witnesses have supported the prosecution case.

Be that as it may, taking into consideration the fact that the petitioner is specifically named in the F.I.R vide Annexure-1 as an accused and further taking into consideration the fact that there is some specific allegations against the petitioner for commission of the crime in question, punishable under the provision of the Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989, this Court is not inclined to accede to the

prayer made on behalf of the petitioner for grant of anticipatory bail. Consequently, his prayer for anticipatory bail in connection with Maniyari P.S.Case No. 176 of 2015 pending in the Court of learned Judicial Magistrate, 1st Class, Muzaffarpur, is hereby rejected.

However, if the petitioner surrenders in the court below within a period of four weeks from today and, if applies for regular bail, then the same shall be considered and decided on its own merit without being prejudiced by the present order.

(Birendra Prasad Verma, J)

BTiwary/Brajesh-III

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