

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.554 of 2016

Arising Out of PS.Case No. -44 Year- 2015 Thana -SC/ST District- ARRARIA

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1. Nunu Lal Yadav S/o Late Gonar Yadav
 2. Devendar Yadav @ Mantu Yadav @ Dawandar Yadav S/o Late Darogi Yadav
 3. Umesh Yadav S/o Late Darogi Yadav
 4. Sat Narain Rishideo @ Satya Naranand Rishideo @ Saty Naran Rasidev S/o Kabbi Rishideo
 5. Debu Rishideo @ Devu Rishideo S/o Hakru Rsidev @ Hawaru Rishideo
 6. Sewan Rishideo S/o Hakru Rishidev @ Hawaru Rsidev
 7. Binod Rishideo S/o Hakru Rsidev @ Hawaru Rsidev
 8. Raju Rishideo S/o Hakru Rsidev @ Hawaru Rsidev
 9. Naresh Rishideo S/o Sat Narain Rsidev
 10. Tagrul Rishideo S/o Debu Rsidev
 11. Pawan Rishideo S/o Sewan Rsidev
 12. Lallan Rishideo S/o Bindo Rsidev
 13. Laddu Rishideo S/o Late Panki Rsidev
- All resident of Village- Fatehpur, P.S.- Narpatganj District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Ambika Bhagat (APP)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 15-02-2016 Heard Sri Anil Prasad Singh, learned counsel for the

petitioners and Sri Ambika Bhagat, learned A.P.P.

Thirteen petitioners apprehending their arrest in
connection with Araria SC/ST P.S. Case No. 44 of 2015
registered for the offence under Section 341, 323, 354(A), 504/
34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,

1989 have approached this court for grant of anticipatory bail.

At the very outset it was submitted by learned counsel for the petitioners that petitioner no. 4 to 13 are themselves scheduled castes and as such there is no question of application of provisions under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Besides this it has been argued that there is no accusation against any of the petitioners in any of other offences also, whereas learned A.P.P. opposing the prayer of bail submits that the anticipatory bail petition of petitioner no. 1 to 3 may not be entertained in view of the provisions contained in Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 since they are not members of scheduled caste. He further submits that there is accusation against all the petitioners, besides the accusation under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 they are also accused for offences punishable under Sections 341, 323, 354(A), 504/ 34 of the Indian Penal Code.

Besides hearing learned counsel for the parties I have also perused the materials available on record.

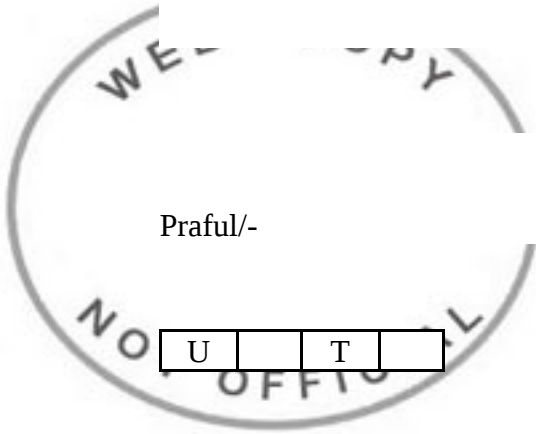
So far petitioner no. 1 to 3 are concerned, there is no ground for extending the privilege of anticipatory bail. In view

of the facts and circumstances and in view of bar imposed under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 prayer for grant of anticipatory bail in respect of petitioner no. 1 to 3 is hereby rejected.

So far petitioner no. 4 to 13 are concerned, since it has been admitted by both the parties that they belong to same category. Accordingly let the petitioners namely Sat Narain Rishideo @ Satya Naranand Rishideo @ Saty Naran Rasidev, Debu Rishideo @ Devu Rishideo, Sewan Rishideo, Bindo Rishideo, Raju Rishideo, Naresh Rishideo, Targrul Rishideo, Pawan Rishideo, Lallan Rishideo, Laddu Rishideo, in the event of their arrest or surrender within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate (Araria) in connection with Araria S.C./S.T. P.S. Case No. 44 of 2015 under the conditions as contemplated under Section 438(2) of the Code of Criminal Procedure.

It goes without saying that if the petitioner no. 1 to 3 appear before the court below and make a prayer for regular bail, the learned court below without being prejudiced with this order

may examine the same and pass appropriate order in accordance with law preferably on the same day.



(Rakesh Kumar, J)