

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.420 of 2017

Arising Out of PS.Case No. -202 Year- 2016 Thana -MAJHAHGARH District- GOPALGANJ

- =====
1. Shamim Alam @ Chunni Bhai son of Late Gaffar Miyan.
 2. Bhimal Miyan, son of Shamim Alam.
 3. Shahina Khatoon, wife of Shamim Alam, all residents of Village-Phulwaria, PS-Manjhagarh, Distt-Gopalganj.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Javed Aslam, -Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 07-04-2017 Heard learned counsel for the appellants as well as
learned Spl.PP for the State.

Instant memo of appeal has been filed by the appellants
for seeking anticipatory bail relating to Manjhagarh PS Case No.
202 of 2016.

So far as appellant no.2, Bhimal Miyan is concerned,
there happens to be specific disclosure in the written report itself
regarding his age to be 15 years. That being so, he is to be
proceeded under Juvenile Justice (Care and Protection of
Children) Act which, the learned lower court will proceed after
appearance of appellant no.2, Bhimal Miyan.

Though all the offences relating to institution of the case
under IPC is concerned, same are bailable. Because of the fact that



SC/ST (POA) Act, has also been made applicable on account thereof, the allegation has become non bailable whereupon, prayer for anticipatory bail has been made. From plain reading of the written report, it is evident that no offence attracting SC/ST (POA) Act is made out.

As such, appellants are directed to surrender before the learned lower court with a prayer for regular bail which the learned lower court will consider in light of observation as made hereinabove.

With the aforesaid direction, the instant memo of appeal is disposed of.

(Aditya Kumar Trivedi, J)

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