

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.344 of 2017

Arising Out of PS.Case No. -175 Year- 2016 Thana -MUFFASIL District- AURANGABAD

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1. Madheshwar Singh @ Maheshwar Singh @ Madheshwar Prasad @ Madheshwar Ram, S/o Late Bhikhar Singh,
2. Yashoda Devi, W/o Madheshwar Singh @ Maheshwar Singh @ Madheshwar Prasad @ Madheshwar Rai, null
3. Sandeep Singh, S/o Madheshwar Singh @ Maheshwar Singh @ Madheshwar Prasad @ Madheshwar Rai, null
4. Mandeep Singh, S/o Madheshwar Singh @ Maheshwar Singh @ Madheshwar Prasad @ Madheshwar Rai, null
5. Annu Singh, S/o Madheshwar Singh @ Maheshwar Singh @ Madheshwar Prasad @ Madheshwar Rai, All residents of Village- Raipura, P.S.- Aurangabad (Muffasil), District- Aurangabad (Bihar).

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhaskar Shankar -Advocate

For the Respondent/s : Mr. Sri Sadanand Paswan-S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 22-02-2017

Heard learned counsel for the appellants as well as learned Special Public Prosecutor.

Appellants having been refused to be enlarged on anticipatory bail vide order dated 06.01.2017 by the Special Judge, S.C./S.T. Act, Aurangabad relating to Aurangabad Mufassil P. S. Case No.175 of 2016, have preferred instant appeal.

For an occurrence allegedly committed on 31.10.2016, written report was filed on 03.11.2016 wherein there happens to be allegation against the appellants and others in omnibus manner that after abusing by caste name, they assaulted with spear, garasa, sword and then, snatched away golden chain.



During course thereof, informant's wife Anju Devi was also assaulted.

In *Bisheshwar Mishra and another vs. State of Bihar reported in 2016(4) P.L.J.R. 1058 (D.B.)* the matter has been taken into consideration and has been held that for the purpose of maintainability of petition for anticipatory bail, in depth scrutiny is not at all permissible and for better appreciation, Paragraph-28 is quoted below:-

“28. We reiterate that while considering the application under [Section 438](#) of the Code, it is not open to the Court to enter into roving inquiry of the veracity of allegations levelled under the Act. It can only look to the First Information Report or the Complaint just in order to prima facie determine whether the ingredients of any offence under the Act at all can be said to have been attracted against the person seeking pre- arrest bail.”

At a glance, the written report speaks with regard to presence of ingredients of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, on account thereof, in terms of Section 18 of the Said Act, instant petition found non-maintainable and is accordingly, rejected.

(Aditya Kumar Trivedi, J)

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