

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1232 of 2017

Arising Out of PS.Case No. -28 Year- 2015 Thana -MEDANICHOWK District- LAKHISARAI

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1.Balmiki Mahto son of Late Prasad Mahto'
2.Sujeet Kumar son of Balmiki Mahto.
3.Subeen Kumar son of Balmiki Mahto.
4.Shrawan Mahto @ Laxman Mahto son of Bisheshwar Mahto.
All are residents of Village- Khaba, P.S. Medini Chowki, Lakhisarai.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Deepak Sahay Jamuar

For the Respondent/s : Smt Usha Kumari No-1A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-05-2017

Heard learned counsel for the appellants

The appellants have filed the instant appeal in terms of Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against an order dated 09.03.2017 passed by the learned Additional District and Sessions Judge, 1st – cum- Special Judge (C/ST), Lakhisarai, in connection with Medini Chowki P.S.Case No.28 of 2015 registered for the offences under Sections 384, 342, 34 of Indian Penal Code and Section 3 (i) (X) of SC/ST Act whereby and whereunder prayer for anticipatory bail of the appellants has been rejected..

Allegation against the appellants is of making derogatory remark by calling his caste name and there is also allegation of demanding Rs.2/- lacs from them.



It has been submitted on behalf of the appellants that there is only misuse of the provisions of Scheduled Castes and Scheduled Tribes (prevention of atrocities) Act as nothing has happened like that due to village politics.

Heard learned Special P.P. also opposed the prayer for anticipatory bail. He submits that appeal is not maintainable as the allegation of assault caused under Section 3 (i) (x) of SC/ST Act.

Having heard both sides and in view of the fact, as stated above, I am not inclined to grant privilege of pre-arrest bail to the appellants. However, the appellant may surrender in the court below and pray for regular bail which shall be considered by the court below and pass an appropriate order in accordance with law.

Accordingly, with the aforesaid observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

AnilKrSinha/-

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