

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10038 of 2017

Arising Out of PS.Case No. -894 Year- 2005 Thana -COMPLAINT CASE District- JAMUI

=====

1. Pramod Pandey Son of Mohan Pandey
2. Dablu Tiwari Son of Murlidhar Tiwari Both Resident of Village- Patjori,
P.S. Chakai, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ganesh Paswan S/o Late Samar Paswan Resident of Village- Patjori, P.S.
Chakai, District- Jamui.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Sri Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

8 07-07-2017 Heard both sides.

The petitioners apprehend their arrest in Complaint case No. 894C of 2005 in which prima facie case under Section 380, 452 and other Sections of the Indian Penal Code and under Section 3(x) of the S.C. & S.T. (Prevention of Atrocities) Act was found to proceed against the petitioners and other accused persons.

In view of the provision as contained in Section 18 of the S.C. and S.T. Act, anticipatory bail petition is not maintainable as after enquiry the learned court below has found prima facie case under Section 3(x) of the S.C. & S.T. Act to proceed against the petitioners and others.



It is submitted that similarly situated 15 other accused persons have been granted anticipatory bail vide order dated 22.10.2015 passed in Cr. Misc. 44059 of 2013.

Considering the facts aforesaid, this anticipatory bail petition is dismissed as not maintainable.

If the petitioners surrender in the court below, i.e., Sri S. C. Kumar, the learned Judicial Magistrate, 1st class, Jamui in Complaint case No. 894C/2005, the learned court below shall consider the prayer for regular bail of the petitioners on its own merit without being prejudiced from the order of this court and dispose of the bail petition, preferably, on the same day.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--

