

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1166 of 2017

Arising Out of PS.Case No. -37 Year- 2016 Thana -KAMTAUL District- DARBHANGA

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1. Dr. A. A. Mazrooh (Dr. Afsar Ali Mazrooh), Son of Late Razzul Rahman, Resident of village - Kothia, P.S. Kamtaul, District - Darbhanga
 2. Ram Bharos Yadav, Son of Rajgir Yadav,
 3. Rajgir Yadav, Son of Late Bikau Yadav, Petitioner No. 3 and 3 Resident of village - Mohammadpur, P.S. Kamtaul, District - Darbhanga

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vinay Kumar Mishra

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 15-05-2017 Heard learned counsel for the appellants.

The appellant has filed the instant appeal in terms of Section 14A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act against an order dated 16.11.2016 passed by the learned Sessions Judge, Darbhanga in connection with A.B.P. No. 1559 of 2016 relating to Kamtaul P.S. Case No. 37 of 2016, registered for the offences punishable under Section 341, 323, 324, 504, 379/ 34 of the Indian Penal Code and Sections 3(i)(ix) of the SC/ST Act, whereby and whereunder prayer for anticipatory bail made on behalf of the appellants has been rejected.



Allegation against the appellants and other accused persons is that they abused the informant by taking caste name and also assaulted him and the appellant no. 3 snatched golden chain and other appellants assaulted him with iron rod and thereafter the appellants and other accused persons fled away.

The prayer is for grant of the privilege of pre-arrest bail to the appellants.

It has been submitted on behalf of the appellants that no case under Section 3 (i)(ix) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is made out against the appellants. It has also been submitted that the case has been compromised between the parties.

Heard learned Special P.P. also. The learned Special P.P. has opposed the prayer for anticipatory bail stating that allegation made out in FIR, made out a case under the scheduled caste and scheduled Tribe Act against the appellant, as such they do not deserve pre-arrest bail.

Having heard both sides and in view of the fact and allegations made in FIR, I am not inclined to grant privilege of pre-arrest bail to the appellant. The appellant may surrender in the court below and pray for regular bail which shall be considered on the basis of the submission made above and also after examining



the fact that the compromise petition has been filed on behalf of the parties, and after examining the same, the prayer for regular bail shall be considered on its own merit and pass an appropriate order in accordance with law, without being prejudiced by the order of this Court.

Accordingly, with the aforesaid observation, this appeal is dismissed.

(Vinod Kumar Sinha, J)

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