

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE – Ist-cum-Special Judge, S.C./S.T., LAKHISARAI
Anticipatory Bail Application No. 1135/2022

(Arising out of Lakhisarai P.S. Case No.- 35/2022, registered U/S- 447, 341, 323, 308, 337, 379, 504, 506/34 of IPC and 3(i)(r)(s)/ 3(2)(va) SC/ST Act pending before the Court of ADJ-Ist, Lakhisarai.)

Nagmani Yadav and others
Versus
State of Bihar

Serial No.	Date of order of proceeding	Order with signature of the Court	Office action taken with date
1.	2.	3.	4.

	22.10.2022	<u>ORDER</u> This anticipatory bail application petition filed on behalf of petitioners accused namely 1. Nagmani Yadav and 2. Rajni Kumari @ Rajni Devi, who are apprehending their arrest in connection with Lakhisarai P.S. Case No.- 35/2022, registered U/S- 447, 341, 323, 308, 337, 379, 504, 506/34 of IPC and 3(i)(r)(s)/3(2)(va) SC/ST Act, is moved by his counsel Ravi Bilochan Verma. Heard the learned counsel of petitioners accused 1. Nagmani Yadav and 2. Rajni Kumari @ Rajni Devi, Ravi Bilochan Verma Advocate and the Ld. Spl. Public Prosecutor. Learned Counsel for the petitioner accused submits that the petitioner is innocent, committed no offence and falsely implicated in this case due to previous enmity and on instigation of local enemy. He has further submitted that the instant case has been	
	Contd. 22.10.2022		

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	<u>Contd.</u> 22.10.2022	instituted are not made out and the allegation of atrocity act does come under the purview. He has further submitted that the alleged date and time of occurrence mentioned 04.30 P.M. on 04.08.2022 but only 12 K.M. situated P.S. concern the information given after passing about 50 hours which delay is unexplained so this very manner is enough to create grave doubt of prosecution case. Hence, it is prayed to enlarge them on anticipatory bail. Ld Spl. P.P. Babhu Prasad, on the other hand, opposed the anticipatory bail prayer of the petitioners accused. Petitioners accused are named accused of FIR in Lakhisarai P.S. Case No.- 35/2022, registered U/S- 447, 341, 323, 308, 337, 379, 504, 506/34 of IPC and 3(i)(r)(s)/ 3(2)(va) SC/ST Act. The prosecution story, in brief, goes like this. On 04.08.2022 at about 04.30 PM the informant	
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	<u>Contd.</u> 22.10.2022	was sitting in the street in front of his house. In the meanwhile, Rajni Devi came there and abused her with castist remarks. On hula, her husband also came there and abused the informant with castist remarks. It is alleged that when she opposed the said abusing then accused assaulted with brick to the informant's head due to which her head was broken. It is further alleged that accused persons also threatened her. Since the instant case falls within the ambit of 3(i)(r)(s) SC/ST Act and according to SC/ST Act section 438 ie. anticipatory bail is not maintainable. Hence, this anticipatory bail application stands dismissed as not maintainable. Dictated and Corrected. (Pathak Alok Kaushik) Addl. District & Sessions Judge-Ist Lakhisarai.	
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