

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37801 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -AGIAUN BAZAR District- BHOJPUR

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Krishna Shah Son of Late Rupchand Shah Resident of village - Khambha
Dihara, P.S. Agiaon Bazar, Distt. Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 16-09-2016 Heard Sri Pranav Kumar, learned counsel for the

petitioner and Sri Binay Krishna, learned Special Public

Prosecutor for the Scheduled Castes & Scheduled Tribes

(Prevention of Atrocities) Act.

The sole petitioner, who is only named accused in the

F.I.R. has approached this court with a prayer to grant

anticipatory bail in Agiaon Bazar P.S. Case No. 26 of 2016

registered for the offence under Section 341/ 323/ 379/ 504 of the

Indian Penal Code and Section 3 (i) (r) (s) of the Scheduled

Castes & Scheduled Tribes (Prevention of Atrocities)Act in the

event of arrest or surrender.

By way of referring to the F.I.R. learned counsel for

the petitioner submits that in the F.I.R. it has not been mentioned



as to at which place occurrence had taken place. He submits that non disclosure of place of occurrence is sufficient to draw an inference that the informant was not publicly abused and as such no question of application of the provisions under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act arises. He further submits that in the F.I.R. itself the informant has said that the petitioner in a drunken state of mind had abused the informant. Accordingly the petitioner deserves to be protected under Section 85 of the Indian Penal Code. He further submits that allegation of snatching Rs. 25,000/- is only exaggeration. On aforesaid grounds a prayer has been made to extend the privilege of anticipatory bail.

Learned Special Public Prosecutor has opposed the prayer for grant of bail.

After going through the F.I.R. the Court is satisfied that at this stage it would be difficult for this court to record a finding raising doubt on the application of Section 3 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. Those things can be examined at appropriate stage. However, in view of accusation made in the F.I.R. the Court is of the opinion that Section 18 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act will come into play and as

such it would be difficult for this court to pass any favourable order.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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