

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.309 of 2017

Arising Out of PS.Case No. -178 Year- 2016 Thana -SURYAGARHA District- LAKHISARAI

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Balram Pandit, Son of Jawahar Pandit, Resident of Mohalla- Dalhatta,
Kumhar Toli, P.S. Munger Kotwali, District- Munger.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh-Advocate

For the Respondent/s : Mr. Sri Sadanand Paswan-S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 04-05-2017

Heard learned counsel for the appellant as well as

learned Special Public Prosecutor.

Informant, who happens to be a Member of Scheduled Caste, had filed written report to the effect that his wife Kanchan Devi was enticed away by Balram Pandit and during course thereof, took away cash appertaining to Rs.15,000/-, ornaments, bank passbook, cloth etc. He further alleged that Bablu Pandit, wife of Bablu Pandit, sister of Bablu Pandit, Jawahar Pandit have actively participated during said course. It has also been submitted that during course of search, when he had gone to the place of Balram Pandit, he had seen his wife along with his son and on query, they have abused and further, became adamant to assault.



Learned counsel for the appellant has submitted that the victim was examined under Section 164 Cr.P.C. whereunder she had disclosed that she was forcibly indulged in sexual activity by her husband, informant and has a mark of protest, she escaped therefrom along with her child. She had further disclosed neither she wants to stay at the place of her parents nor with her husband.

Be that as it may, the informant happens to be Member of Scheduled Caste, the victim happens to be the Scheduled Caste and from written report, there happens to be prima facie material available on the record attracting application of S.C./S.T. (Prevention of Atrocities) Act, apart from specific application of Section 494 as well as 498 of the I.P.C. as the marriage still subsist, which the appellant knows since before.

That being so, having fragrance of S.C./S.T. (Prevention of Atrocities) Act, debars the appellant to seek prayer for anticipatory bail in terms of Section 18 of the Act, whereupon instant appeal is found non-maintainable and is accordingly, dismissed.

(Aditya Kumar Trivedi, J)

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