

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1276 of 2017

Arising Out of PS.Case No. -1936 Year- 2015 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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Bharat Kumar Singh, son of Late Barhamdeo Prasad Singh, resident of
Village- Saidpur, P.S.- Mansi, District- Khagaria, Presently posted as Block
Development Officer(B.D.O.) Teghra, District- Begusarai.

.... Appellant

Versus

1. The State of Bihar.
2. Kumari Usha Ambedkar, wife of Vishwanath Ram, resident of
Hariharpur Nagar Panchayat, Ward No.1, P.S.- Teghra, District- Begusarai,
Presently posted as Block Teacher, Middle School Madhurapur (South)
Teghra, Begusarai.

.... Respondents

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Appearance :

For the Appellant/s : Mr. S.N.P. Sinha, Sr.Advocate with
Mr. Kumar Praveen, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 25-05-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 8.3.2017 passed by Special Judge, SC/ST Act,
Begusarai, in A.B.P. No. 302 of 2017, arising out of Complaint
case No. 1936C of 2015, lodged for the offences under Sections
420, 465, 467, 471, 323, 504/34 of the Indian Penal Code and
Section 3(i)(x) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act and for grant of anticipatory bail to
the appellant.

Allegation as per complaint petition is that appellant
made derogatory remarks by using caste name.

It has been submitted on behalf of the appellant that



just earlier to the occurrence an FIR has been lodged by the appellant against the complainant and others as they were leading a mob and surrounding the Block Office and also damaged public property and, as such, the false and concocted case has been lodged against the appellant.

Learned Special P.P. has opposed the prayer for anticipatory bail stating that mere perusal of complaint petition it appears that prima facie case under the provisions of SC/ST Act is made out against the appellant, as such, this appeal for pre-arrest bail is not maintainable.

Having heard both sides and considering the facts and circumstances, this appeal is not maintainable, rather appellant surrender and make prayer for regular bail, which will be considered by the court below on the basis of the submission made above as well as on the basis of allegation and pass appropriate order, if possible, on the same day.

This appeal is, accordingly, disposed of with the above observation.

(Vinod Kumar Sinha, J)

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