

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.833 of 2017

Arising Out of PS.Case No. -118 Year- 2016 Thana -HISUA District- NAWADA

- =====
1. Ajit Singh
 2. Dhananjay Kumar @ Dhananjay Singh, both sons of Sri Bijay Singh,
residents of Village- Dhamaul, P.S. Hisua, District Nawada.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhola Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 16-05-2017 Heard learned counsel for the appellants.

The appellants have filed the instant appeal in terms of Section 14(A) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act against an order dated 19.10.2016 passed by the learned Additional Sessions Judge-1, Nawada in connection with A.B.P. No. 893 of 2016/334 of 2016 relating to Hisua P.S. Case No. 118 of 2016, registered for the offence punishable under Sections 323, 341, 376, 511, 379, 406, 384, 354(B) of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby and whereunder prayer for anticipatory bail made on behalf of the appellants has been rejected.

Allegation against the appellant is that he has abused the informant by taking caste name 'harizan' and entered in side the house of the informant and tried to outrage the modesty of the daughter-in-law of the informant and also snatched a silver chain



and demanded Rangdari.

It has been submitted on behalf of the appellant that no offence under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act is made out and the appellant has been falsely implicated in this case as there is some dispute between the parties.

Heard learned Special P.P. the learned Special P.P. opposes the prayer for pre-arrest bail stating that a prima facie case under Scheduled caste and Scheduled Tribe Act is made out as the informant is a member of scheduled caste and as such the appellant does not deserve the privilege of pre-arrest bail.

Heard both sides and in view of the fact a prima facie case constituting an offence under Section 3(i)(r)(s) SC & ST (P.O.A.) Act is made out, I am not inclined to grant privilege of pre-arrest bail to the appellant. However, he may surrender in the court below and pray for regular bail which shall be considered by the court below on the basis of the materials available on record, and pass an appropriate order in accordance with law.

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

(Vinod Kumar Sinha, J)

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