

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.441 of 2017**

Arising Out of PS.Case No. -6 Year- 2016 Thana -SC/ST District- KATIHAR

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Rajesh Jaiswal @ Rajesh Kumar Jaiswal

.... .... Appellant/s

Versus

The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Awadhesh Kumar-Advocate

For the Respondent/s : Smt. Usha Kumari No-1-S.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

06    17-07-2017                      Heard learned counsel for the appellant as well as  
learned Additional Public Prosecutor.

It has been submitted on behalf of appellant that informant, Ram Kishun Ram happens to be puppet at the end of Arvind Kumar Yadav with whom, case and counter-case is going on. Furthermore, it has also been submitted that all the offences are bailable, save and except relating to S.C./S.T. (Prevention of Atrocities) Act. Furthermore, it has also been submitted that by a Division Bench, the matter has been settled at rest that Criminal Appeal will be entertainable, even the prayer for anticipatory bail is barred under the S.C./S.T. (Prevention of Atrocities) Act. It has also been submitted that trial is yet to be commenced and so, appellant should be allowed to avail the privilege of an anticipatory bail.



On the other hand, learned Additional Public Prosecutor opposed the prayer.

In ***Bisheshwar Mishra and another vs. State of Bihar reported in 2016(4) P.L.J.R. 1058 (D.B.)***, it has been held that during course of consideration whether S.C./S.T. (Prevention of Atrocities) Act is applicable or not, the allegation on its face is to be taken into consideration. In depth scrutiny has been forbidden. Under the garb of aforesaid principle, when the allegation has been gone through, it is apparent that application of S.C./S.T. (Prevention of Atrocities) Act is found duly applicable and on account thereof, instant memo of appeal containing a prayer for grant of an anticipatory bail would not be entertainable.

Consequent thereupon, appeal is dismissed.

**(Aditya Kumar Trivedi, J)**

Vikash/-

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