

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1120 of 2016

Arising Out of PS.Case No. -436 Year- 2016 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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1. Dinesh Paswan @ Dinesh Kumar Paswan Son of late Nanki Paswan
Resident of Village-Dumari Police Station Sadar, District Muzaffarur

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar Alok, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

4 27-02-2017 Heard learned counsel for the appellant as well as
learned Special Public Prosecutor.

On account of registration of instant case, apart from
the Indian Penal Code, under SC/ST (POA) Act, and on account
thereof, by way of instant memo of appeal prayer for anticipatory
bail has been made on behalf of the appellant having been refused
by the learned lower court of 3rd Additional Sessions Judge-cum-
Special Judge, SC/ST , Muzaffarpur relating to Sadar P.S. Case
No. 436 of 2016.

Because of the fact that tractor of deceased dashed
against Shila Devi, the villagers apprehended the driver who
accordingly informed the deceased owner. After his arrival, the



accused persons so named therein including the appellant lifted the deceased inside the house of Shila Devi and during course thereof, it has also been alleged that Binod Kumar Singh, Renu Devi and Golu abused by caste name. After lifting inside, the deceased was assaulted with fist and slap and then, thereafter, Umesh Paswan gave Hasuli blow over back side of his neck while Mahesh Paswan gave Hasuli blow over leg of deceased. Sunil Paswan took away Rs. 20,000/-. It has also been asserted that then thereafter the others also gave bricks blow over chest of the deceased.

Learned counsel for the appellant has submitted that it could not be a case under SC/ST (POA) Act more particularly relating to appellant, as he himself happens to be members of the SC. Furthermore, it has also been submitted that there happens to be specific disclosure regarding assailants and so far appellant along with others are concerned, they carry omnibus allegation. Apart from this, it has been submitted that save and except sharp cut ante mortem injuries, no other injuries have been found over person of deceased. Consequent thereupon, appellant is entitled for an anticipatory bail.

The learned Special Public Prosecutor opposed the prayer for bail.

Manner whereunder occurrence has been flashed did



not allow the appellant to avail the privilege of anticipatory bail.

Consequent thereupon, instant memo of appeal is dismissed.

(Aditya Kumar Trivedi, J)

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