

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1167 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -ALIPUR District- GAYA

- =====
1. Nawal Sharma @ Nawal Singh S/O Late Tapeswar Sharma
 2. Jairam Sharma S/O Prasidh Sharma. Both are residents of village-Salempur, P.S. Alipur, District-Gaya

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Sri Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

7 01-03-2017 Heard learned counsel for the appellants as well as learned Special Public Prosecutor.

In *Bisheshwar Mishra & Anr. versus The State of Bihar* reported in 2016(4) PLJR 1058, the issue has been enlightened while considering the prayer for anticipatory bail and for that, the relevant para 28 is quoted below:-

“We reiterate that while considering the application under Section 438 of the Code, it is not open to the Court to enter into roving inquiry of the veracity of allegations levelled under the Act. It can only look to the First Information report or the Complaint just in order to prima facie determine whether the ingredients of any offence under the Act at all can be said to have been attracted against the



person seeking pre-arrest bail.”

From the plain recital of the written report, it is evident that ingredients of SC/ST (POA) Act is made out and on account thereof, the instant appeal is found non-maintainable in terms of Section 18 of the Act and is, accordingly, dismissed.

(Aditya Kumar Trivedi, J)

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