

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1388 of 2016

Arising Out of PS.Case No. -370 Year- 2015 Thana -MARHAURA District- SARAN

=====

1. VIKASH KUMAR SINGH.
2. SUBODH KUMAR SINGH.
BOTH SONS OF NAGESHWAR SINGH, RESIDENT OF VILLAGE-
SALIMAPUR P.S.-MARHOWRAH, O.P.-GAURA, DISTRICT-
SARAN (CHAPRA)

.... APPELLANT/S

VERSUS

THE STATE OF BIHAR

.... RESPONDENT/S

=====

Appearance:

For the Appellant/s : Mr. Kapil Deo Singh, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 07-03-2017 Heard learned counsel for the appellants as well as
learned Special Public Prosecutor.

Instant appeal has been filed in accordance with Section 14(A)(ii) of the SC ST (POA) Act. On account of refusal by the Special Court to enlarge the appellants on anticipatory bail vide order dated 08.09.2016 passed in connection with ABP No.2176 of 2016 arising out of Marhowrah P.S. Case No.370 of 2015.

Learned counsel for the appellants has submitted that father of the appellants have already been granted bail by the learned lower court. Furthermore, it has also been submitted that both the appellants are student. It has also been submitted that manner of occurrence as disclosed in the complaint petition did not inspire confidence on account thereof, appellants should be released on anticipatory bail.

Learned Special P.P. opposed the prayer and further, submitted that instant memo of appeal in the form of an anticipatory bail is found non-maintainable.



In terms of para-28 as observed in **Bisheshwar Mishra vs. State of Bihar** reported in **2016(4) PLJR 1058**, while tracing out presence of an allegation attracting SC ST(POA) Act, only cursory perusal has been allowed to be relating to the FIR or the complaint petition whichever may be. From plain reading of the complaint petition, it is evident that same is found duly satisfied.

That being so, in terms of Section 18 of the Act instant memo of appeal relating to grant of anticipatory bail is found non-permissible consequent thereupon, dismissed.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

U		T	
---	--	---	--

