

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1382 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -SC/ST District- SHEOHAR

- =====
1. Siya Sharan Rai son of late Dharkhan Rai
 2. Rama Shankar Rai son of Sita Ram Rai
 3. Sanjeev Kumar son of Siya Sharan Rai
 4. Rajeev Kumar son of Siya Sharan Rai

All are resident of village-Basathpur, PS-Tariyani, District-Sheohar.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : M/s Ajay Kumar Thakur, Babita Kumari and
Amit Kumar, Advts.

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

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL JUDGMENT

Date: 07-03-2017

Heard learned counsel for the appellants and learned
Special Public Prosecutor.

Learned counsel for the appellants has submitted that
neither there happens to be specific allegation against the appellants
nor they could be held responsible for commission of any kind of
offence, in the background of admitted fact that prosecution party
illegally grabbed their land and further, in order to coerce them to
give up their rightful claim, filed this case. That being so, instant
memo of appeal filed for grant of anticipatory bail be entertained.

Learned Special Public Prosecutor opposed the
prayer.



As per the written report, it has been alleged by the informant that all the appellants came, demanded the due amount over which she disclosed that the remaining amount will be paid on the day of the registration of the document however, in the aforesaid background they began to assault, abused by calling her caste name and when her daughter-in-law came in rescue, she was also assaulted.

In terms of para 28 of the Bisheshwar Mishra’s case, reported in 2016 (4) PLJR 1058, the permissible limit to trace out whether a prima facie case under SC/ST (POA) Act is made out or not is to see on face of the contents of FIR or complaint. As the Court has been permitted to see the allegation on its face without making roving enquiry, that being so, under such exercise, a prima facie case is found duly surfaced whereupon in terms of section 18 of the Act, instant memo of appeal filed for grant of anticipatory bail is found duly eclipsed. Consequent thereupon, instant memo of appeal suffers from inherent lacuna, is accordingly, dismissed.

(Aditya Kumar Trivedi, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.03.2017
Transmission Date	10.03.2017

