

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1082 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -SC/ST PS District- GOPALGANJ

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Faiz Alam, son of Md. Alauddin, resident of village - Dulduliya, P.S. Majhagarh, District - Gopalganj

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Anisur Rahman -Advocate

For the Respondent/s : Mr. Sri Binod Bihari Singh-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 06-03-2017 Heard learned counsel for the appellant as well as

learned Additional Public Prosecutor.

In *Bisheshwar Mishra and another vs. State of Bihar reported in 2016(4) P.L.J.R. 1058 (D.B.)* the matter has been taken into consideration and has been held that for the purpose of maintainability of petition for anticipatory bail, in depth scrutiny is not at all permissible and for better appreciation, Paragraph-28 is quoted below:-

“28. 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.”

Under the guise of aforesaid observation, when the allegation on its face has been gone through, it is evident that there happens to be an allegation justifying applicability of S.C./S.T. (Prevention of Atrocities) Act and on account thereof, in terms of Section 18 of the Act, instant petition for anticipatory bail is found non-maintainable.

Consequent thereupon, instant appeal is dismissed.

In case, appellant surrenders before the learned lower Court with a prayer for regular bail, same would be disposed of on the same day on its merit without being prejudiced by the instant order.

(Aditya Kumar Trivedi, J)

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