

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1153 of 2017

Arising Out of PS.Case No. -168 Year- 2016 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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Balindra Prasad Yadav Son of Shivnath Prasad Yadav, Resident of village -
Siswa Basant Ward No. 1, P.S. Kalyanpur, District - East Champaran

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Naresh Chandra Verma
Mr. Natraj Verma

For the Respondent/s : Smt Usha Kumari No-1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-05-2017

Heard learned counsel for the appellant.

The appellant has filed the instant appeal in terms of Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act against an order dated 8.3.2017 passed by the learned 1st Additional Sessions Judge, East Champaran cum Special Judge, S.C./S.T. Act in connection with A.B.P. No. 259 of 2017 relating to Kalyanpur P.S. Case No. 168 of 2016, registered for the offence punishable under Sections 341, 323, 379, 353, 506/34 of the I.P.C. and Sections 3(i)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby and whereunder prayer for anticipatory bail made on behalf of the appellant has been rejected.



Allegation against the appellant is that he assaulted the informant, who is a schedule caste member, and abused him by taking his caste name.

It has been submitted on behalf of the appellant that he has been falsely implicated in this case and as a matter of fact at the time of survey demanded money from the appellant for recommending his name for grant of Indira Awas Yojna

Heard learned Special P.P. also.

Heard both sides and in view of the fact a prima facie case constituting an offence under Section 3(i)(x) of the SC & ST (P.O.A.) Act is made out, I am not inclined to grant privilege of pre-arrest bail to the appellants. However, the appellant may surrender in the court below and pray for regular bail which shall be considered by the court below and pray for regular bail which shall be considered on its own merit without being prejudiced by the order of this Court.

Accordingly, with the aforesaid observation, this appeal is dismissed.

(Vinod Kumar Sinha, J)

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