

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.445 of 2017

Arising Out of PS.Case No. -45 Year- 2016 Thana -AKBARPUR District- NAWADA

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Raushan Yadav & Ors

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

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

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

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI**

ORAL ORDER

4 08-04-2017 Heard learned counsel for the Appellants as well as learned
A.P.P.

Learned counsel for the appellants has submitted that no offence under SC/ST (POA) Act is made out from plain reading of the written report. As such, the instant memo of appeal in the form of an anticipatory bail is maintainable.

It has also been submitted that during course of investigation, the police has found the land under dispute belonging to the appellants. Apart from this, it has also been submitted that there happens to be omnibus allegation, consequent there upon, the instant appeal should be allowed by way of granting anticipatory bail to the appellants.

Learned Spl. P.P. opposes the prayer for bail and



submitted that in the back ground of Section 18 of the SC/ST (POA) Act, prayer for anticipatory bail is non maintainable.

However, during consideration of the same, some sort of privilege has been granted whereunder, the allegation on its face is to be perceived from the narration of the written report/ fardbeyan / complaint petition without going into other materials by way of conduction of an enquiry.

From perusal of the written report, it is evident that there happens to be an allegation at the level that while she (informant) along with her family members were harvesting crop, all the accused made criminal trespass, abused and then began to fire, as a result of which, the informant fell down, who was repeatedly assaulted by others.

On its face, the action of the appellants suggests that they have tried to encroach upon land of informant whereupon offence under SC/ST (POA) Act is made out, on account thereof, the prayer for anticipatory bail by way of the instant appeal is found non maintainable and it is accordingly, dismissed.

(Aditya Kumar Trivedi, J)

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