

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1137 of 2017

Arising Out of PS.Case No. -124 Year- 2014 Thana -ITADHI District- BUXAR

=====

Amrit Kumar @ Amrit Kumar Pathak son of Daya Shankar Pathak, resident
of Village- Itarhi, P.S. Itarhi, District- Buxar.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha

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

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 15-05-2017

Heard learned counsel for the appellant.

The appellant has filed the instant appeal in terms of Section 14(A) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act against an order dated 08.09.2016 passed by the learned A.D.J.-I, Buxar in connection with A.B.P. No. 664 of 2016 relating to Itarhi P.S. Case No. 124 of 2014, whereby and whereunder prayer for anticipatory bail made on behalf of the appellant has been rejected.

Allegation against the appellant is under Sections 147, 448, 148, 149, 323, 342, 353, 307, 427, 357 and 186 of the Indian Penal Code and section 3(i)(r)(s) (prior to amendment Section 3(i)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. However, it appears that the appellant is not named in the F.I.R. and his named transpired during the course of investigation due to enmity.



It has been submitted on behalf of the appellant that no case under Section 3(i)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is made out against the appellant as the informant is not belonging to the member of Scheduled caste and Scheduled tribe and as such the Officer-in-charge of Itarhi police Station also informed the Superintendent of Police Buxar that this case and one more case has been separated from the case of Scheduled caste and Scheduled Tribe (Prevention of Atrocities) Act, which will appear from Annexure-2. It has also been submitted that the appellant is not named in the F.I.R., but later on his named transpired during the course of investigation.

Heard learned Special P.P. also.

Heard both sides and view of the fact as stated above, let the appellant surrender in the court below and make prayer for bail and on the basis of the above submission, the learned court below will verify the authenticity of Annexure-2 as well as the fact that the petitioner is not named in the F.I.R. and thereafter pass an appropriate order in accordance with law on the same day.

Accordingly, with the aforesaid observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

BTiwary/-



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

