

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3532 of 2018

Arising Out of PS. Case No.-197 Year-2018 Thana- PIPRA District- East Champaran

Kishun Sahani Son of Late Tufani Sahani resident of Village- Balwa P.O.
Damodarpur, P.S. Pipra, District East Champaran at Motihari.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra, Adv
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-12-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 28.08.2018 in A.B.P. No.2221 of 2018 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST, East Champaran, Motihari in connection with Pipra P.S.Case No. 197 of 2018 registered under Sections 341,323,379,353,427 of the Indian Penal Code as well as under Sections 3(1-S) of the Scheduled Castes and Scheduled Tribes Act.

The appellant is husband of the local Mukhiya. Allegation is of commission of threat and assault to the accused. Appellant has got criminal antecedent.



Learned counsel for the appellant submits that due to village politics, false allegation has been levelled.

The case diary would reveal that other eye witnesses have also supported the allegation.

Considering the prima facie disclosure of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, I am not inclined to enlarge the appellant on anticipatory bail. Hence, prayer is refused.

In the event of surrender of the appellant, the same would be disposed of by the learned court below without being prejudiced by this order.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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