

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3164 of 2018

Arising Out of PS. Case No.-81 Year-2015 Thana- SHASTRINAGAR District- Patna

Ghulam Sarwar @ Dargahi Mian @ Md. Dargahi Mian, S/o Md. Abu Lais Mian, R/o Vill.- Bandi, P.S.- Nimchak Bathani, near Shabilipur, District-Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Shamimul Hoda

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 03-12-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail, vide order dated 30.07.2018 passed by the learned Special Judge, SC/ST Act-cum-Additional Sessions Judge-Vth, Patna in A.B.P. No.5292 of 2018, arising out of Shastrinagar Police Station Case No.81 of 2015 registered under Section 370 of the Indian Penal Code as well as Sections 23/26 of J.J.Act, 3/4 of Child Labour Prohibition Act and Sections 3 (i)(vi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



According to F.I.R., about 100 children were rescued from child labour in the State of Hyderabad. All the children belonged to different places in the State of Bihar. The Labour Superintendent, Patna lodged the case against the persons who were responsible for carrying the children to Hyderabad and engaging them in child labour. The name of the appellant surfaced at serial No.2 of the F.I.R. Two children examined by the Police namely, *Mukesh* and *Babloo* stated that appellant had carried them to Hyderabad.

Learned counsel for the appellant submits that appellant has got no criminal antecedent. A case was registered in the State of Hyderabad also and case was investigated. Several witnesses were examined but none stated that appellant was involved in carrying the children. Moreover, appellant is an auto driver. The children who gave their statement before the Labour Inspector of this case were not examined at Hyderabad.

Considering the nature and seriousness of allegation against the appellant, I am not inclined to enlarge the appellant, above named, on anticipatory bail. Hence, prayer is refused.



However, in the event of his surrender before the court below within three weeks, his prayer for regular bail shall be considered without being prejudiced by this order.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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