

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3413 of 2017

Arising Out of PS.Case No. -5 Year- 1999 Thana -MEHANDIA District- JEHANABAD

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1. Ravindra Sharma @ Ravindra Kumar @ Ravindra Kumar Singh S/o
Sahligram Sharma @ Hira Sharma, R/o Village- Dhobhi Bigha, P.S.-
Rampur Chouram, District- Arwal.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 08-03-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Additional Sessions Judge-I, Jehanabad, in connection with Mehandia Police Station Case No.5 of 1999 registered under Sections 147/148/149/302/307/324 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

About 32-40 persons, said to be members of Ranbir Sena, surrounded the village of the informant. The appellant was identified among them. Further allegation is that the marauders committed murder of several persons by firing from their



respective fire-arm.

Submission is that the appellant was not there. Offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is not made out and other accused persons who faced trial have already been acquitted.

On the other hand; learned counsel for the State submits that since murder of the members of Scheduled Caste and Schedule Tribe was committed, the offence under the provisions of Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is attracted. Appeal against acquittal is pending before the Hon'ble Supreme Court.

Considering the entire facts, I am not inclined to enlarge the appellant on anticipatory bail. Hence, prayer for anticipatory bail is refused. However, prayer for regular bail of the appellant shall be considered without being prejudiced by this order and also considering the acquittal of some other co-accused.

Accordingly, the appeal stands dismissed.

(Birendra Kumar, J)

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