

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1417 of 2018

Arising Out of PS. Case No.-2 Year-2018 Thana- SAHPUR District- Patna

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1. Arjun Rai, age 18 Years, S/o Sri Uma Shankar Rai,
 2. Sanoj @ Thotha, Age 18 Years, S/o Sri Uma Shankar Rai, Both
R/o Daudpur Bind Toli, P.S.- Shahpur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Om Prakash Singh
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 14-08-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 07.03.2018 passed by the learned Special Judge, S.C./S.T.-cum-Additional Sessions Judge-V, Patna in A.B.P. No.1159 of 2018, in connection with Special Case No.06 of 2018, arising out of Shahpur Police Station Case No.02 of 2018 registered under Sections 341, 323, 324, 448, 326, 354, 504, 506/34 of the Indian Penal Code and Section 3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



There is specific allegation against appellant No.1, *Arjun Rai* to have caused injury at the head of the informant with *Danda* and the Doctor has found consistent grievous injury on the person of the informant. Hence, in my view, appellant No.1, *Arjun Rai* had knowledge that his act might cause death. Therefore, I am not inclined to enlarge him on anticipatory bail.

There is general and omnibus allegation against all the four F.I.R. named accused persons, including appellant No.2, *Sanoj @ Thotha*, that while they were assaulting to the informant inside his house, they dragged him outside the house and assaulted thereat. Therefore, the occurrence of assault and criminal intimidation took place in public view. It is well settled that presence of public is not needed. The only requirement is that the place should be such which is easily visible by the public. Therefore, I am not inclined to enlarge appellant No.2, *Sanoj @ Thotha* on anticipatory bail.

Accordingly, there is no merit in this appeal against the refusal of prayer of anticipatory bail by the impugned order dated 07.03.2018. Accordingly, this appeal stands dismissed.

The appellants are directed to surrender within three weeks from the date of receipt/production of copy of this order,



failing which the court below shall take appropriate steps for
their apprehension.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

