

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2711 of 2018

Arising Out of PS. Case No.-248 Year-2017 Thana- BAKHTIYARPUR District- Patna

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1. Chandan Kumar, Son of Nawal Pal,
 2. Sunita Devi, Wife of Sabal Pal,
 3. Sabal Pal, Son of Late Karmu Pal,
 4. Nitish Kumar, Son of Sabal Pal,
 5. Sanjeet Kumar, Son of Nawal Pal,
 6. Tuntun Kumar, Son of Nawal Pal,
 7. Nawal Pal, Son of Late Karmu Pal, All resident of Village-
Chakdaulat P.S.- Bakhtiyarpur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 02-11-2018

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 vide order dated 14.05.2018 passed by learned Special Judge (SC/ST Act)-cum-Additional Sessions Judge-V, Patna, in A.B.P. No. 2817 of 2018, arising out of Bakhtiyarpur Police Station Case No.248 of 2017, registered under Sections 147/148/149/341/379/389/307/504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(x) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellants allegedly abused and assaulted to the informant and committed theft for the reason that informant was digging on his own land which the appellants protested. After going through the case-diary it is evident that other eyewitnesses have also supported the allegation and there is no material to substantiate mala fide prosecution of the appellants. There is case and counter case.

The FIR prima facie discloses commission of offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. There is no material to substantiate malicious prosecution. Hence, in my view, there is no merit in this appeal against refusal of anticipatory bail.

Accordingly, the appeal stands dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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