

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.219 of 2018

Arising Out of PS.Case No. -22 Year- 2017 Thana -SC/ST District- SARAN

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1. Suman Kumar, Son of Late Sudama Sharma, Resident of Railway Colony, Chapra Kutchahary, Quarter No. 22/09 (Loco Pilot Mal Pad), P.S.-Chapra, District-Saran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sinha, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

For the Informant : Mr. Nalin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 09-03-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, against the refusal of prayer for anticipatory bail by the learned 2nd Additional Sessions Judge, Saran at Chapra, in connection with SC/ST Police Station Case No.22 of 2017 registered under Sections 341/323/504/506 of the Indian Penal Code and Section 3(i)(r)/3(2)(x)(VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR apparently discloses offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The occurrence took place



in public view, which is supported by another eyewitness and co-worker.

In the circumstances, the prayer for anticipatory bail is barred under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the bar cannot be lifted on the basis of submission of the learned counsel for the appellant that at the time of occurrence the appellant was at his duty. There is delay in lodging of the F.I.R. and both are working in the same office and due to trivial dispute this false case has been lodged.

Accordingly, the appeal stands dismissed.

(Birendra Kumar, J)

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