

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3278 of 2018

Arising Out of PS.Case No. -162 Year- 2017 Thana -GOPALPUR District- GOPALGANJ

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1. Binda Thakur, S/o Late Dudhnath Thakur, Resident of Village- Dharampur, P.S.-
Gopalpur, District- Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Harendra Prasad, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-10-2018

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 28.07.2018 passed by learned 1st Additional Sessions Judge, Gopalganj, in A.B.P. No. 1013 of 2018, arising out of Gopalpur Police Station Case No. 162 of 2017, registered under Sections 341/323/307/504/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(c)(r)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant allegedly caused fire-arm injury at the abdomen of Parwati Devi. The doctor has found one circular hole at



the abdomen of Parwati Devi.

Learned counsel for the informant opposed the prayer for bail on the ground that the appellant is convict in a case under Section 302 of the Indian Penal Code. However, has suppressed the aforesaid fact in paragraph-3 of the bail petition. The conviction was awarded in connection with Bishambharpur P.S. Case No.32 of 1990. He further submits that the appellant is accused in Bishambharpur P.S. Case No.29 of 1990 also.

Considering the nature of allegation, in my view, the appellant does not deserve anticipatory bail only for the reason that submission is that there is case and counter case between the parties. Hence, the prayer for anticipatory bail is refused.

Accordingly, the appeal stands dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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