

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1698 of 2018

Arising Out of PS. Case No.-52 Year-2018 Thana- BAKHTIYARPUR District- Patna

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Bijali Rai, Son of Rajeshwar Rai, resident of Village- Champapur, P.O.+ P.S.-
Bakhtiyarpur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Ms. Kumari Sujata Sinha
For the Respondent/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-11-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 07.04.2018 passed by the learned Special Judge SC & ST-cum-Additional Sessions Judge-V, Patna in A.B.P. No.2220 of 2018, arising out of Bakhtiyarpur Police Station Case No.52 of 2018 registered under Sections 341, 323, 354, 504, 506 of the Indian Penal Code and Sections 3 (1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Considering the nature of allegation disclosed in the F.I.R., which has been supported by other eyewitnesses also, in my view, prima facie offence under the provision of S.C./S.T. Act



is made out against the appellant. There is no material to suggest chances of malicious prosecution. Hence, in my view, this is not a fit case for grant of anticipatory bail. Accordingly, prayer is refused.

In the event of surrender of the appellant within three weeks, the court below shall consider the prayer for regular bail without being prejudiced by this order and considering the fact that offences of the Indian Penal code alleged against the appellant are bailable.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	N.A.
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