

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.309 of 2018

Arising Out of PS.Case No. -110 Year- 2017 Thana -DHAMDHAHA District- PURNIA

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1. Rama Shankar Singh, Son of Late Bisheshwar Singh @ Motor Singh @ Visheshwar Prasad Singh,
 2. Ajit Singh @ Ajit Kumar Singh, Son of Rama Shankar Singh,
 3. Lata Devi, Wife of Rama Shankar Singh,
 4. Ratna Kumari, Wife of Ajit Singh @ Ajit Kumar Singh, All R/o Village-Bajraha, P.S.- Dhamdaha, District- Purnea.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Dr. Bidhu Ranjan, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-06-2018

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 Sessions Judge, Purnea, in connection with Dhamdaha Police Station Case No. 110 of 2017 registered under Section 302/34 of the Indian Penal Code. Subsequently, Section 3(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was added.

The FIR would reveal that the allegation against the appellants is that they are suspected to have committed murder of the mother of the informant for land dispute.

Learned counsel for the appellants submits that the offence



under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, was added during investigation and only material is suspicion which cannot take place of proof. Therefore, the appellants deserve anticipatory bail.

On the other hand, learned counsel for the State opposed the prayer on the strength of provisions of Sections 3(2)(v) of the of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, for his submission that when allegation of commission of offence under the Indian Penal Code punishable with imprisonment for a term of ten years or more, the offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is attracted and accordingly the bar of anticipatory bail is also applicable.

Finding substance in the submission of the learned counsel for the State, I do not find any reason to interfere with the impugned order. Accordingly, the appeal stands dismissed as not maintainable. However, prayer for regular bail of the appellants shall be considered by the learned court-below without being prejudiced by this order.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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