

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1267 of 2018

Arising Out of PS.Case No. -116 Year- 2017 Thana -SRI NAGAR District- MADHEPURA

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1. Raushan Kumar Jha son of Late Bimal Kishore Jha Resident of village -
Ramganj, Police Station - Kumar Khand, District - Madhepura.. Appellant/s

Versus

1. The State of Bihar. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Pravesh Nath, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-07-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 12.03.2018 by the learned Special Judge, SC/ST Act, Madhepura in connection with Srinagar P.S.Case No. 116 of 2017 registered under Sections 341, 342, 323, 324, 325, 307, 302, 427, 504, 506, 34 of the Indian Penal Code, Section 27 of Arms Act as well as under Sections 3(1)(s)/3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes Act.

The informant is specific in the FIR that three persons including the appellant fired, which had hit to deceased-Jagdish Das.

Submission of the learned counsel for the appellant is that in the earlier part of the FIR, allegation is against 40-50



persons to have reached at the place of occurrence variously armed with different weapons including firearm and the allegation is general and omnibus of firing. However, in the subsequent part, allegation is specific with malafide intention due to land dispute between the parties.

Learned counsel for the appellant submits that the case diary would reveal that no other witness has supported the allegation.

At this stage, consideration of prayer for anticipatory bail, meticulous appreciation of allegation and its correctness is not permissible in view of the bar contained under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Hence, I do not find any merit in this appeal against refusal of prayer for anticipatory bail.

Accordingly, it stands dismissed.

The prayer for regular bail of the appellant shall be considered without being prejudiced by this order especially for the reason that no eye witness is specific as to who out of the three accused, who had fired, caused firearm injury.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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