

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 263 of 2018

Arising Out of PS.Case No. -65 Year- 2016 Thana -BALIA District- BEGUSARAI

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1. Sanjay Choudhary @ Sanjay Mahanth, S/o Late Ramapati Choudhary, R/o Mohalla - Kachahari Tola Behadur Nagar, P.S. - Munger (Muffasil), District- Munger.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-05-2018

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 by the learned Special Judge (S.C./S.T.), Begusarai in Ballia P.S. Case No. 65 of 2016 registered under Sections 147, 148, 149, 341, 342, 302 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(2)(v) of the SC/ST Act.

The appellants had moved earlier this Court for anticipatory bail in Cr. Appeal (SJ) No. 450 of 2017 and this Court passed following orders on 11.04.2017 while disposing of the aforesaid appeal:

“Heard learned counsel for the appellant as well as



learned Spl. P.P.

Learned counsel for the appellant seeks withdrawal of instant memo of appeal in order to facilitate the appellant to surrender before the learned lower Court and seek regular bail which the learned lower Court would consider preferably on the same date without being influenced by the instant order.

With the observation, the instant memo of appeal is dismissed as withdrawn.”

In view of the aforesaid reason for withdrawal of the appeal, there is no reason to reconsider the prayer for anticipatory bail.

I do not find any merit in the submission of learned counsel for the appellant that since co-accused Himmat Chaudhary has been allowed anticipatory bail by a Coordinate Bench of this Court vide order dated 10.07.2017 passed in Cr. Appeal (SJ) No. 1435 of 2017 and co-accused Lalan Kumar Choudhary @ Lalan Choudhary has also been allowed anticipatory bail by a Coordinate Bench of this Court vide order dated 06.12.2017 passed in Cr. Appeal (SJ) No. 3175 of 2017, hence, the prayer of the appellant deserves consideration in spite of withdrawal of earlier prayer by the appellant to surrender and seek regular bail.

Accordingly, this appeal stands dismissed as devoid of



any merit. If the appellant would not surrender within a period of two weeks from today, the learned court below shall take all coercive steps for apprehension of the appellant.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	11.05.2018
Transmission Date	11.05.2018

