

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2414 of 2018

Arising Out of PS. Case No.-47 Year-2018 Thana- PARSABAZAR District- Patna

Vikash Kumar @ Ishwar Raj, S/o Krishnanandan Prasad, R/o Vill./Mohalla-
New Atwarpur, P.S.- Parsa Bazar, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vibhuti Ranjan Sonvadra
For the Respondent/s : Mr. Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 10-12-2018

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 31.05.2018 passed by the learned Special Judge, SC/ST Act-cum-Additional Sessions Judge-V, Patna in A.B.P. No.3614 of 2018, arising out of Parsa Bazar Police Station Case No.47 of 2018 registered under Sections 341, 323, 504, 420/34 of the Indian Penal Code and Sections 3 (1)(x), 3(1)r, 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is that he cheated to the informant on the pretext that he would transfer the land in favour of the informant.

Submission of learned counsel for the appellant is that there is case and counter case between the parties. Appellant is not



Aishwarya Raj in whose account the informant allegedly deposited the money, rather the appellant is *Vikash Kumar @ Ishwar Raj*. The referred account is not of the appellant.

The appellant was directed to file supplementary affidavit that the said account is not of the appellant and the transaction was not done in the bank account of the appellant.

No affidavit has been filed.

Further allegation is of commission of abuse by taking caste name.

Considering the nature of allegation and material available on record, in my view, this is not a fit case for grant of anticipatory bail. Hence, prayer is refused.

However, in the event of surrender before the court below within three weeks, his prayer for bail shall be considered without being prejudiced by this order.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.12.2018
Transmission Date	11.12.2018

