

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2509 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- SARAN

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1. Ashok Singh Son of Vakil Singh
2. Ganesh Singh Son of Durga Singh
3. Vinay Singh Son of Durga Singh
4. Tribhuwan Singh Son of Bhuneshwar Singh
5. Sanjay Tiwari son of Sakal Tiwari All are residents of Village - Pattisital
Narayanpur, P.S. - Derni, District - Saran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravi Prakash, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-11-2018

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 08.06.2018 in A.B.P. No.1362 of 2018 passed by the learned 1st Addl. Sessions Judge, Saran at Chapra in connection with Derni P.S.Case No. 112 of 2017 registered under Sections 147,149,341,323,354,504,506 of the Indian Penal Code and Sections 3(i)(r) (s)of the Scheduled Castes and Scheduled Tribes Act.

The FIR discloses commission of offences under



SC/ST Act against the informant by the appellants. The family members of the informant have supported the allegation before the police.

Submission of learned counsel for the appellants is that some independent witnesses have not supported the allegation rather they have stated that the appellants were Panches in the dispute between the informant and Chulan Manjhi. Panchayati was going on. In the meantime, husband of the informant sent the informant to the police for lodging the case.

Considering the fact that there is no material to substantiate malafide prosecution of the appellants, I am not inclined to enlarge the appellants on anticipatory bail.

However, in the event of surrender of the appellants, their prayer for regular bail shall be considered without being prejudiced by this order and considering the facts that there is conflicting prosecution version coming up in the case diary.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.11.2018
Transmission Date	03.11.2018

