

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2007 of 2018

Arising Out of PS.Case No. -433 Year- 2016 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

- =====
1. Prem Kishor Prasad Shrivastava @ Prem Kishor Shrivastava, Son of Shiv Nath Prasad Shrivastava,
 2. Satyendra Pandey, Son of Ashkrit Pandey, Both resident of Bakhari, P.S.- Baikunthapur, District - Gopalganj.

.... 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: 18-08-2018

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 11.05.2018 in A.B.P. No. 579 of 2018 passed by the learned 1st Additional Sessions Judge, Gopalganj in connection with Trial No. 1449 of 2017 arising out of Complaint Case No. 433 of 2016 registered under Sections 323, 325, 341, 504, 354/34 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.

According to complaint petition, the appellants, allegedly, assaulted to Deepak Kumar, son of the complainant, on the way to market when Deepak Kumar refused to polish their shoe. Further allegation is of commission of abuse by taking caste name. The inquiry witnesses have supported the prosecution case.



Learned counsel for the appellants submits that there is delay of one month in filing of the complaint petition.

The delay is explained in the complaint petition itself by saying that the matter was reported, at once, to the police. When the police did not take any action for a month, the complaint was filed.

Submission of the learned counsel for the appellants is that the complainant was a helper of Ashok Singh with whom the appellants have land dispute and she has been set up by Ashok Singh.

There is no material to substantiate that the complainant has been set up by Ashok Singh.

Considering the entire facts of this case and allegation, this is not a fit case for grant of anticipatory bail. Accordingly, this appeal against the refusal of prayer for anticipatory bail stands dismissed as devoid of any merit.

The appellants are directed to surrender within a period of three weeks from the date of receipt/production of a copy of this order and their prayer for regular bail shall be disposed of on its own merit without being prejudiced by this order.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	21.08.2018
Transmission Date	21.08.2018

