

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1196 of 2019

Arising Out of PS. Case No.-713 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

HARSH SINHA @ HARSH KUMAR S/o Rajeev Kishor Prasad Resident of
Lohiya Nagar, P.S- Begusarai Town (Lohiya Nagar O.P.), District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar..... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shubhesh Pandey
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 25-06-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 20.02.2019 passed by learned Special Judge SC/ST (POA) Act, Begusarai in connection with Begusarai Town P.S. Case No. 713 of 2018 registered under Sections 147, 148, 149, 323, 302, 324, 379, 506 of the Indian Penal Code and Section 27 of the Arms Act and also under Section 3 (1) (R) (S)/3(2)(i)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Eight accused persons including the appellant are said



to have slated the informant in the name of his caste over row of intercepting the informant by the appellant. They also said to have assaulted brother of the informant and other by means of Lathi. Subsequently when informant and his brother were passing through the over bridge Balram Kumar resorted firing upon the informant but he left unhurt while Rahul Srivastava resorted firing upon his brother namely Ravi Shanaker who succumbed to injury during course of treatment.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics to spoil his career as he happens to be student of Intermediate. Allegation of assaulting the informant and his brother, etc. levelled against the appellant is not specific rather general and omnibus in nature. Allegation of resorting firing upon the informant and his brother is not levelled against the appellant rather two other co-accused and appellant was not present at the time of resorting firing hence he may be enlarged on bail.

Learned Spl. P.P. for the State opposing the prayer for bail submitted that there is allegation of slating the informant in the name of his caste in public view against the appellant hence



anticipatory bail is barred under Section 18 SC/ST Act hence, appellant does not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant on bail. The prayer for bail of the appellant is hereby rejected.

However, the appellant is directed to surrender before the learned Court below within six weeks from today and seeks regular bail and the learned Court below is directed to pass an appropriate order considering facts and circumstances in accordance with law without being prejudiced by this order on the very day of surrender of the appellant.

Accordingly, the present appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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