

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4423 of 2018

Arising Out of PS. Case No.-175 Year-2018 Thana- BIHRA District- Saharsa

Gajendra Yadav Son of Bachharu Yadav Resident of Village- Bijalpur, Police
Station- Bihra, District- Saharsa.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Mukund
For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 17-01-2019

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 03.10.2018 passed by the learned 1st Addl. Sessions Judge, -Cum-Special Judge, Saharsa in ABP No. 833 of 2018 arising out of Bihra P.S.Case No. 175 of 2018 registered under Sections 323, 324 and 354 of the Indian penal Code and Sections 3(i)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

Allegation against the appellant is that he prevented the informant from hoisting the national flag on 15th August and when she protested, she was abused by taking caste name and in the meantime another person hurled the national flag.



Submission of learned counsel for the appellant is that as a matter of fact, appellant is a Member of the Vidyalay Shiksha Samiti and as the informant has not come school at time that is why he has objected to that and due to that reason, present case has been lodged.

Heard learned Spl. P.P also who has opposed the prayer of bail stating that being a Harijan, informant was obstructed from hoisting national flag.

Having heard both sides and in view of allegation, I am not inclined to grant privilege of anticipatory bail to the appellant. However, if petitioner surrenders and makes prayer for regular bail, the same shall be considered by the learned court below on its own merit without being prejudiced by this order and if possible, dispose it on same day,

Accordingly, the appeal stands disposed of.

(Vinod Kumar Sinha, J)

sujit/-

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