

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1335 of 2019

Arising Out of PS. Case No.-232 Year-2015 Thana- BARBIGHA District- Sheikhpura

MD. KAMAL @ MD. KAMAL ANSARI @ KAMALUDDIN Son of Late
Ansarul Haque Resident of Village - Ramjanpur, P.S.- Barbigha, Distt.-
Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bipin Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 05-04-2019

Heard the parties.

The appellant is apprehending his arrest in connection with SC/St Case No.99 of 2018 arising out of Barbigha P.S.Case No.232 of 2015 , registered for offences punishable under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(1)(x) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellant is that while the informant was coming home from Barbigha market , the accused persons including the appellants armed with pistol came and started firing from the pistol and the accused persons dragged the driver from the car and it is further alleged that this appellant assaulted the informant's brother with an intent to kill on gun points and assaulted the others and they were also abusing by caste name. The informant was also assaulted by the appellant.



Submission of the learned counsel for the appellant is that after investigation, the police has submitted charge-sheet only under bailable Sections of the Indian Penal Code as well as under the 3(1)(x) of the SC/ST (POA) Act.

Heard learned Special P.P., who has opposed the prayer for bail stating that the allegation is of the year, 2015 and no explanation has been given as to why they have come after four years and the offences are cognizable.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant privilege of anticipatory bail rather let the appellant surrender before the learned Special Judge within a period of six weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned special judge on its own merit without being prejudiced by the order of this Court.

Accordingly, this appeal is dismissed.

(Vinod Kumar Sinha, J)

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CAV DATE	
Uploading Date	
Transmission Date	

