

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1633 of 2019

Arising Out of PS. Case No.-153 Year-2018 Thana- UCHKAGAON District- Gopalganj

1. RANJAN PRASAD @ RANJAN KUMAR S/o Ghuran Prasad Resident of Village- Sanchi, P.S.- Uchkagaon, District- Gopalganj.
2. Ghuran Prasad @ Prabhu Prasad S/o Sahdeo Prasad Resident of Village- Sanchi , P.S.- Uchkagaon, District- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Harendra Prasad

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

- 3 02-07-2019 Heard learned counsel for the appellants 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 19.03.2019 passed by learned 1st Additional Sessions Judge Gopalganj in connection with Uchkagaon P.S. Case No. 153 of 2018, registered under Sections 341,323, 504, 379 and 338/34 of the Indian Penal Code and also under Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant Ranjan Kumar is said to have snatched Rs. 10,000/- from the informant and the appellant Ghuran Prasad and other co-accused are said to have slated the informant in the name of his caste over blaming Ranjan Kumar for snatching his money and accused Nankumari Devi assaulted him by means of brickbat.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to dirty village politics. There is no allegation of assault against the appellants. There is no allegation of slating the informant in the name of his caste against them so no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent, hence appellants may be enlarged on bail.

Learned Spl. P.P. for the State submitted that appellants are enjoying privilege of Police Bail so there is no apprehension of arrest hence anticipatory bail is not maintainable.

It is settled principle of law that once the appellants have been granted bail by the police or by the Court, the petition under Section 438 Cr.P.C. on behalf of the appellants is not



maintainable.

In that view of the matter, the present appeal is rejected with a direction to the appellants to surrender before the learned Court below within six weeks from today and seek regular bail and the learned lower Court would pass appropriate order in accordance with law without being prejudiced by this order on the very date of surrender.

It goes without saying that the appellants shall be granted the benefit of the judgment of this Court rendered in the case of **Mahendra Prasad Singh Vs. The State of Bihar reported in 2004 (3) PLJR 491** and particularly para-5 of the judgment.

(Prakash Chandra Jaiswal, J)

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