

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1593 of 2019**

Arising Out of PS. Case No.-454 Year-2018 Thana- ARA NAWADA District- Bhojpur

Ashok Kumar Yadav Son of Uday Prasad Singh Resident of Mohalla- Shitan
Tola, P.S.- Ara Town, District- Bhojpur, Ara.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manish Kumar No.2, Adv.
For the Informant	:	Mr. Ravindra Kumar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Special P.P.

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

ORAL ORDER

7 27-08-2019 Heard learned counsel for the appellant, learned
counsel for the informant 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 in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 28.03.2019 passed by learned 1st Additional
Sessions Judge, Bhojpur at Ara in connection with SC/St
No.166 of 2018, arising out of Ara Nawada P.S. Case No. 454 of
2018 registered under Sections 341, 504 & 506/34 of the Indian
Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.



Appellant happens to be tax collector of Ward Nos. 43, 44 and 45 and for irregularity committed by the appellant in tax collection informant has complained against him to the higher authorities. Appellant and other named accused persons extended threatening to the informant and mounted pressure upon her to withdraw the complain and co-accused Priyam Devi in the general meeting humiliated her asking name of her husband before media.

It is submitted by learned counsel for the appellant that the appellant has been falsely implicated in the case due to dirty village politics. Allegation of extending threatening to the informant levelled against the appellant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the name of her caste against the appellant. After investigation of the case, I.O. has submitted chargesheet under Section 504 of the Indian Penal Code and for acceptance of the chargesheet notice has been issue to the informant. Appellant has no criminal antecedent.

Learned counsel for the informant and learned Special P.P. for the State opposing the prayer for bail submitted that though the F.I.R. was lodged under non-bailable Section under the SC/ST Act but, after investigation of the case, the I.O.



has submitted chargesheet under Section 504 IPC which is bailable. By citing the judgment delivered by the Hon'ble Apex Court in the case of **R.K. Krishna Kumar along with other analogous cases Vs. State of Assam and others** reported in **(1998) 1 Supreme Court Cases 474**, it is further submitted that as chargesheet has been submitted under bailable Section 504 IPC, hence anticipatory bail is not maintainable.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant on anticipatory 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 seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender, especially considering the fact that the chargesheet has been submitted under the bailable section.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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