

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1625 of 2019**

Arising Out of PS. Case No.-137 Year-2018 Thana- JAGDISHPUR District- Bhojpur

DIPU KUMAR SINGH @ DIPU KUMAR S/o Bindeshwari Singh R/o
village- Dulhinganj, P.S.- Jagdishpur, District- Bhojpur

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sarveshwar Tiwary, Advocate
	:	Mr. Subodh Kumar Jha, Advocate.
For the Respondent/s	:	Mr.Binay Krishna

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

ORAL ORDER

3 02-07-2019 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 13.03.2019 passed by learned 1st Additional Sessions Judge, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 137 of 2018 (SC/ST Case No. 95 of 2018), registered under Sections 341,323, 504,506, 379/34 of the Indian Penal Code and also under Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant and co-accused Ravi Shanker Rai are said to have slated the informant in the name of his caste and assaulted him by means of iron rod over plying the vehicle of Mukhiya Jee who happens to be cousin brother of the appellant.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to dirty village politics. Allegation of assaulting and slating the informant levelled against the appellant is not specific rather general and omnibus in nature. Informant has sustained bruise injury which is simple in nature. Appellant has no criminal antecedent hence appellant be enlarged on bail.

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

In that view of the matter, the present appeal is rejected with a direction to the appellant to surrender before the learned Court below within six weeks from today and seek regular bail and the learned lower Court would consider the same without being prejudiced by this order.

It goes without saying that the appellant 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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