

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1736 of 2019

Arising Out of PS. Case No.-61 Year-2014 Thana- SC/ST District- Banka

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Ajoy Kumar Jha Son of Late Anirudh Jha Resident of Village -
Madhusudanpur, P.S.- Bounsi, Distt - Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Mukherjee

For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

3 04-07-2019 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

The appellant seek pre-arrest bail in connection with
SC/ST P.S. Case No. 61 of 2014 registered for the offence
punishable under Sections 109, 110, 111, 119, 120(B), 420, 166,
171(E) of the Indian Penal Code and Section 3(i)(x), 4/8 of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

The appellant, who happens to be Nazir in District
Welfare Office, Banka along with co-accused, Sunil Kumar,
who happens to be Head Clerk in the said office are said to have
slated the informant in the name of his caste and made him to
leave the office when he approached them in the office to



inquire about scholarship of his brother in the absence of his brother.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case by the informant to mount pressure upon him to take undue advantage. The informant is in habit of lodging case against several persons to blackmail them. Appellant has no criminal antecedent. Police has submitted final form in the case against the appellant.

Per contra, learned Spl. PP for the State opposing the bail prayer of the appellant submitted that appellant is said to have slated the informant in the name of his caste in the office i.e. in the public view and learned Magistrate finding prima facie case, has taken cognizance against the appellant under SC/ST Act, hence, anticipatory bail is not maintainable.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer is rejected.

However, appellant is directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order on the very date of surrender by the appellant in accordance with law considering



the facts and circumstances of the case without being prejudiced
by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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