

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2093 of 2019**

Arising Out of PS. Case No.-146 Year-2018 Thana- KHAJAULI District- Madhubani

Shakti Kumar Singh @ Shiv Shakti Singh Son of Shivendra Kumar Singh @
Shambhu Singh Resident of Village - Dataur, P.S.- Khajouli, District -
Madhubani.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimal Kumar

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

3 09-07-2019 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 in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 16.04.2019 passed by learned 1st Additional
Sessions Judge, Madhubani in connection with Khajouli P.S.
Case No. 146 of 2018 registered under Sections 147, 148, 149,
341, 323, 307, 448, 427, 504 & 506 of the Indian Penal Code,
Section 27 of the Arms Act and Section 3(1) (r) (s) /3 (2) (va)
of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



Appellant is said to have taken the photograph of the sister and her friends at the temple and on making protest by the informant the appellant slapped him and slated him in the name of his caste and later on other named accused persons assaulted his villagers making them injured.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics to botch up his career as he happens to be a student. The allegation levelled against the appellant is not specific rather general and omnibus in nature. No one has sustained injury in the occurrence.

Learned Special P.P. for the State opposed the prayer for bail submitting that there is direct allegation against the appellant of taking photograph of the sister of the informant and her friends in the temple and on protest the appellant assaulted and slated him in the name of his caste in public view. Hence, anticipatory bail is barred under Section 18 of the SC/ST Act and he does not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant on 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.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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