

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2325 of 2019

Arising Out of PS. Case No.-19 Year-2018 Thana- SC/ST District- Madhubani

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1. Naresh Vishwash Son of Nashib Lal Vishwas
 2. Laxmi Vishwash Son of Nashib Lal Vishwas
 3. Nashib Lal Vishwash Son of Khurkhuri Vishwash
 4. Bhagwani Ishar Son of Bihari Ishar

All are resident of Village/Mohalla - Mainhi Panchayat Narendrapur,
P.S.- Andhra Math, District - Madhubani.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Manoj Kumar Singh

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL JUDGMENT
Date : 16-11-2019

Heard learned counsel appearing for the appellants as well as learned Additional Public Prosecutor for the State and perused the record.

This criminal appeal has been preferred against the order dated 22.04.2019 passed by learned 1st Additional Sessions Judge, Madhubani in SC/ST P.S. Case No. 19 of 2018 by which and



whereunder, he rejected the anticipatory bail petition filed on behalf of the appellants under Section 438 of the Cr.P.C.

It is alleged that appellants not only assaulted the informant but also humiliated her by calling her caste name.

Learned counsel appearing for the appellants submits that informant has brought false case with exaggerated story and as a matter of fact, no such occurrence had taken place. It is further submitted that there was land dispute between the parties and the informant brought the case only with an object to put pressure upon the appellants.

On the other hand, learned Additional Public Prosecutor submits that this petition is not maintainable in view of Section 18 of SC/ST (Prevention of Atrocities) Act because the first information report goes to show that prima face case under the provisions of SC/ST (Prevention of Atrocities) Act is made out.

Regard being had to the above stated facts and circumstances as well as submissions of the parties, I am of the view that this criminal appeal does not have any merit and prayer of anticipatory bail is not maintainable in view of Section 18 of SC/ST (Prevention of Atrocities) Act and accordingly, this criminal appeal stands disposed of with direction to appellants to surrender before the trial court within six weeks from today and if they do so



and make prayer for regular bail, the learned trial court shall consider the regular bail application of the appellants on its own merit without being prejudiced by this order, particularly, keeping in mind the factum of land dispute between the parties.

(Hemant Kumar Srivastava, J)

shahzad/-

AFR/NAFR	NAFR
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