

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37652 of 2019**

Arising Out of PS. Case No.-156 Year-2019 Thana- KISHANGANJ District-
Kishanganj

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LAL BIHARI SAH, aged about 76 years, male, Son of Late Kalu Sah
Resident of Village - Telibasti Ward No. 2, P.S. and District- Kishanganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Pankaj Kumar Sinha
Mr. Diwakar Sinha, Advocates.
For the Opposite Party: Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 26-06-2019 This matter was taken up for disposal on merits on
24.06.2019 and upon hearing learned counsel for the petitioner,
who submitted that the offence alleged was cognizable, a draft of
the order was dictated in Court.

2. Before the final order was signed, however, it came
to be noticed that Section 14-A of the Child and Adolescent
Labour (Prohibition and Regulation) Act, 1986 [hereinafter
referred to as 'the Act'] was inserted with effect from 01.09.2016,
which provides that any offence committed by an employer and
punishable under Section 3 or Section 3-A of the said Act shall be
cognizable. However, the said provision is silent with regard to
whether such offence is bailable or non-bailable.

3. The matter was accordingly listed under the



heading 'To be Mentioned'.

4. Learned counsel for the petitioner accepts that the punishment under Section 14 of the Act has been provided for a maximum of two years in respect of the offence alleged against the petitioner. He has however not been able to point out any provision in the Act which overrides the general provision contained in Schedule-I Part-II Cr. P.C. which provides that offences under other laws punishable with imprisonment for less than three years or with fine only shall be classified as bailable.

5. In the above circumstances, the present anticipatory bail petition must be held to be not maintainable and is dismissed as such.

(Vikash Jain, J)

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