

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2674 of 2019

Arising Out of PS. Case No.-62 Year-2018 Thana- KASHICHAK District- Nawada

LITTO YADAV Son of Kedar Yadav Resident of Village- Birnawan, P.S-
Kashichak, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deepak Kumar

For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

3 29-07-2019 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 27.4.2019 passed by learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, Nawada in connection with Kashichak P.S. Case No. 62 of 2018, registered under Sections 147/148/149/302/504 of the Indian Penal Code and also under Section 3 (ii) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Eight named accused persons is said to have created



nuisance in the locality of the informant in inebriated condition, when her husband along with other persons made to persuade them not to make nuisance they assaulted them by means of lathi and inflicted head injury to her husband, who succumbed to injury during course of treatment.

It is submitted by the learned counsel for the appellant that appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this. He is not named in the F.I.R. Moreover, during the course of investigation informant has also lodged protest petition but she has not named the appellant in the said protest petition itself. The name of the appellant has surfaced on supervision note of the Dy.S.P. Similarly situated co-accused Mithlesh Yadav has been enlarged on bail by co-ordinate Bench of this Court in CR. APP. (SJ)No.4630 of 2018 vide order dated 30.11.2018. He has no criminal antecedent, hence he may be enlarged on bail.

Learned Spl. P.P. for the State opposing the prayer for bail submitted that though the appellant is not named either in the written report or protest petition but his name has surfaced in the supervision note. Moreover, process under Section 82 of the Cr.P.C. has been issued against the appellant hence, anticipatory bail is not maintainable. It is further submitted by



the learned Spl. P.P. that albeit co-accused Mithlesh Yadav has been enlarged on bail by co-ordinate Bench of this Court but the factum of issuing process under Section 82 of the Cr.P.C. has not been brought into notice of the said Court.

Having regard to the facts and circumstances of the case, the Court is not inclined to enlarge the appellant on bail. Accordingly, his bail prayer is 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 is directed to pass an order in accordance with law without being prejudiced by this order on the same date of surrender by the appellant.

Accordingly, the aforesaid appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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