

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2851 of 2019

Arising Out of PS. Case No.-118 Year-2019 Thana- MUFFASIL District- West Champaran

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1. Manoj Patel, 32 years, M, Son of Sri Girgit Patal (deleted vie order dated 25.10.2019).
 2. Brajesh Patel, 30 years, M, Son of Sri Girgit Patel Resident of Village-Hajma Tola, Banuchhapar, P.S.- Bettiah Muffasil (Banuchhapar O.P.), District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Rashmi Jha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 16-11-2019

Heard learned counsel for the appellant no. 2.

2. Prayer on behalf of appellant no. 1, stood withdrawn earlier as he has been arrested.

3. The appellant no. 2 has moved the Court seeking pre-arrest bail in connection with Bettiah Muffasil (Banuchhapar O.P.) PS Case No. 118 of 2019 dated 02.03.2019 instituted under Sections 341, 323, 308, 504/34 of the Indian Penal Code and Section 3(1)(r)(w)(ii)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'Act').

4. The appellants are accused of having assaulted the informant and two other persons. The specific allegation against the appellant no. 2 is of assault on two persons causing injury to them.



5. Learned counsel for the appellant no. 2 submitted that offence under the Act is not made out and, thus, the bar of Section 18 of the Act would not operate against him for consideration of his prayer for pre-arrest bail. It was further submitted that the allegation with regard to assault on the informant is general and omnibus and even with regard to assault on two other persons, specifically attributable to the appellant no. 2, the same has not been corroborated by the independent witnesses.

6. Learned APP, from the case diary submitted that several witnesses have supported the allegations made in the FIR, especially the assault by the appellant no. 2 causing injury.

7. Having regard to the aforesaid, the Court is not inclined to allow the prayer for pre-arrest bail to the appellant no. 2.

8. Accordingly, the application stands dismissed.

9. The interim protection granted earlier under order dated 28.08.2019, stands withdrawn.

(Ahsanuddin Amanullah, J.)

P. Kumar

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