

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4262 of 2018**

Arising Out of PS. Case No.-65 Year-2014 Thana- SC/ST District- Siwan

1. Arun Gupta @ Arun Sah, Son of Deep Lal Sah,
2. Tuntun Gupta, Son of Deep Lal Sah,

Both resident of Village- Rajo Patti, Dumarsun, P.S.- Mashrakh, District-Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                        |
|----------------------|---|------------------------|
| For the Appellant/s  | : | Mr.Harish Kumar        |
| For the Respondent/s | : | Mr.Sri Sadanand Paswan |

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA  
ORAL JUDGMENT**

**Date : 12-03-2019**

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 24.08.2018 passed by the learned 1<sup>st</sup> Addl. Sessions Judge-cum-Special Judge, SC/ST, Siwan in ABP No. 1311 of 2018 arising out of SC/ST P.S.Case No. 65 of 2014 registered under Sections 302, 364 and 120B of the Indian penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants is that they have taken the brother of the informant to Gujarat and thereafter he became



traceless and in spite of inquiry, petitioner has not disclosed about him and abused him by caste name. It further appears that case is of the year 2014.

Submission of learned counsel for the appellants is that FIR itself does not disclose any allegation against the appellants and they have falsely been implicated in this case and they had no knowledge about the case as such he could not file any anticipatory bail application earlier.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to them rather they should surrender within a period of six weeks from the date of receipt of a copy of this order and make prayer for regular bail, which shall be considered on the basis of submission as made above and also considering the materials available on record, dispose of the same without being prejudiced by this order, if possible, on the same day.

**(Vinod Kumar Sinha, J)**

suji/-

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