

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2984 of 2019**

Arising Out of PS. Case No.-275 Year-2017 Thana- CHENARI District- Rohtas

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BARKAT ALI @ BARKAT ALI KHAN Son of Late Izahar Hassan @ late
Izahar Hasan @ Late Izhar Beg Resident of Village - Pewandi, P.S.- Chenari,
District- Rohtas at Sasaram

... .. Appellant

Versus

1. The State of Bihar
2. BIRENDRA RAM RAM BILASH RAM VILLAGE-REDIYA,PO-
JHUMARDIHRA,PS-BARUN,DIST-AURANGABAD AT PRESENT-
ROJGAR SEWAK,GRAM PANCHAYAT-PEWANDI,ANCHAL ,PS-
CHENARI,DIST-ROHTAS

... .. Respondents

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Appearance :

For the Appellant/s : Mr.Raghunandan Kumar Singh
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

8 16-11-2019 The appellant is aggrieved by an order, dated

01.06.2019 passed by the learned Additional District and

Sessions Judge 1st, Rohtas at Sasaram, whereby he has refused

the appellant's application for grant of anticipatory bail in

connection with Chenari P.S. Case No. 275 of 2017 registered

for the offence punishable under Sections 341, 342, 323, 379,

504 and 506/34 of the Indian Penal Code and Sections 3(1)(r)

and 3(1)(s) of the Scheduled Caste and Scheduled Tribes

(Prevention of Atrocities) Act, 1989, has preferred this appeal

under Section 14-A(2) of the Act.

I have heard learned counsel appearing on behalf of

the appellant and learned counsel representing the informant.



Learned counsel appearing on behalf of the appellant has submitted that it is a case of malicious prosecution and the informant, who is a Rojgar Sewak in Chenari Block has been placed under suspension for his misdeeds. It is alleged in the First Information Report that the informant had purchased a Tata Sumo Gold vehicle, which was taken by the appellant on rent at the rate of Rs.1,000/- per day. When the informant had asked the appellant to return the vehicle, the appellant is said to have abused him by taking his caste name, assaulted him and snatched certain documents, including the documents relating to the vehicle. There is also allegation of putting the informant in illegal confinement and snatching of a sum of Rs.650/- from the informant's possession.

It is the case of the appellant, on the other hand, that as a matter of fact the informant had purchased the said vehicle on bank loan and as he was unable to repay the bank loan, under certain understanding between him and the informant, the bank loan was being repaid by the appellant. He has submitted that the documents would show that the loan amount was being repaid by the appellant, who has been implicated in the present criminal case falsely by the informant.

Learned counsel appearing on behalf of the informant,



on the other hand, has submitted that the court below has rightly rejected the appellant's application for anticipatory bail considering the bar under Section 18 of the Act.

I have perused the First Information Report. It cannot be said on reading of the First Information Report that no case is made out under the provisions of the Act. In such circumstance, rejection of the application for anticipatory bail by the court below cannot be said to be illegal, requiring inference.

However, considering the facts and circumstances of the case and nature of allegation in the First Information Report, it is directed that if the appellant surrenders before the court below and seeks regular bail within one month from today, his application shall be considered and disposed of on the same day.

(Chakradhari Sharan Singh, J)

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