

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3335 of 2019

Arising Out of PS. Case No.-86 Year-2019 Thana- ARIYARI District- Sheikhpura

SAIFUL KHAN @ MD. SAIFUL KHAN Son of Ishar Khan Resident of
Village-Sanuya, P.S.-Ariari, District-Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jagannath Prasad
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 19-12-2019 Heard the parties.

By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellant seeks for setting aside the order dated 10.7.2019 passed in Ariari P.S.Case No.86 of 2019 SC/ST Case No.39 of 2019 for the offences punishable under Sections 147, 341, 323, 324, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s) /3(2)(v)a of SC/ST Act by the learned Ist Addl. District and Sessions Judge, Sheikhpura whereby and where-under, the appellant's application for grant of anticipatory bail has been rejected.

As per FIR, there is allegation against the appellant that he assaulted by *Bhala* causing injury on the middle finger.

Submission of the learned counsel for the appellant



is that there is case and counter case between the parties, injuries are simple in nature caused by hard and blunt substance whereas the learned counsel for the State and the learned Special P.P. has opposed the prayer for bail on the ground that *prima facie* a case is made out under Section (3(2)(b) of the S.C./S.T. (POA) Act, as such he is not entitled for anticipatory bail.

Hard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, and in view of submission as made above, I am not inclined to grant privilege of anticipatory bail as such this application is disposed of with direction to the appellant to surrender before the learned Special Judge and pray for regular bail, which will be considered by the learned Special Judge on the basis of the materials available on the record and if possible to be disposed of on the same day also considering the fact that others have been granted privilege of anticipatory bail.

(Vinod Kumar Sinha, J)

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