

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 3437 of 2019

Arising Out of PS. Case No.-146 Year-2019 Thana- MAHESI District- East Champaran

VINAY PRASAD CHAURASIYA Son of Late Nandu Bhagat Resident of
Village - Chintamanpur, P.S.- Mehsi, District- East Champaran

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Suresh Chaudhary Son of Late Faudar Chaudhary Resident of Village -
Bahadurpur, P.S.- Mehsi, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Madhurendra Kumar, Advocate
For the State	:	Mr Sadanand Paswan, APP
For the Informant	:	M/s Kundan Rathore, Rajesh Kr, Advocates

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 11-12-2019 Heard learned counsel for the appellant, informant as well as the learned APP for the State.

This appeal has been filed seeking bail in respect of offence punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for brevity, SC/ST Act).

The Court below has rejected the petitioner's prayer on account of pre-arrest bail not being maintainable in view of the provisions contained in the SC/ST Act. Learned counsel for the appellant submits that the prosecution is intended with mala fide as is evident from the counter version of the same which has been lodged from the appellant's side. The submission is also that it is on account of political rivalry between the parties



that false case has been lodged.

The learned APP as well as the informant have submitted that the counter version of the appellant is much subsequent to lodging of the case by the informant and is nothing but an afterthought. It is also pointed out that the ingredients of the offence under the SC/ST Act are made out from bare perusal of the first information report and, as such, the appellant is not entitled to pre-arrest bail having regard to the bar contained in the SC/ST Act.

Considering the rival submissions, this Court is not inclined to grant anticipatory bail to the appellant. Prayer is rejected.

Learned counsel for the appellant submits that since appellant No 1 has already been released after his arrest on bail, this appellant will also surrender in the Court below and seek the privilege of bail.

In the event, the same is done, this Court would only observe that the Court below will proceed further having regard to the aforesaid facts.

(Madhuresh Prasad, J)

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