

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4795 of 2018

Arising Out of PS. Case No.-226 Year-2018 Thana- SIMRI District- Buxar

Niraj Pathak @ Niraj Kumar Pathak son of Triyogi Pathak, Resident of village Niyajipur, P.S.Simri, District Buxar.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vipin Kumar Singh

For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 25-01-2019

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 24.11.2018 passed in ABP No.1134 of 2018 for the offences punishable under Sections 353, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of SC/ST Act by the learned Addl. District and Sessions Judge I cum Special Judge, Buxar whereby and where-under, the appellant's application for grant of anticipatory bail has been rejected.

Appellant against the appellant, who happens to be husband of *Mukhiya* is that he abused the B.D.O. by caste name and also assaulted him.

Submission of the learned counsel for the appellant is that earlier to that wife of the appellant had lodged a case against the informant and now the present case has been lodged.

Heard learned Special P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that the



appellant has criminal antecedent and he has suppressed this fact in this appeal application. .

Having heard both sides, considering the facts and circumstances of the case, let the appellant surrender before the learned court below within a period of six weeks from the date of receipt of the order and on surrender the learned court below shall verify the criminal antecedent of the appellant and if there is no criminal antecedent against the appellant he will be released on bail in connection with Simri P.S.Case No.226 of 2018 to his own satisfaction otherwise he is free to pass any other order or orders as he deems fit and proper.

Accordingly, this appeal is disposed of with above direction.

(Vinod Kumar Sinha, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	NA
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