

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4400 of 2019**

Arising Out of PS. Case No.-214 Year-2017 Thana- FATEHPUR District- Gaya

Manish Singh @ Manish Kumar, Son of Suli Singh, Resident of Village-
Bargaon, P.S.- Fatehpur, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Senior Advocate Mr. Babita Kumari Udbhav, Advocate
For the Respondent/s	:	Mr. Usha Kumari-1, Special, P.P.

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

4 17-12-2019 This is an appeal for grant of anticipatory bail against the order dated 26.06.2019 passed by learned Exclusive Special Judge, SC/ST, Gaya, in A.B.P. NO. 142 of 2019 arising out of Fatehpur P. S. Case No. 214 of 2017, disclosing offences under Sections 147, 148, 149, 341, 342, 323, 386, 307, 436 of IPC , Section 27 of the Arms Act, Section 3 of Explosive Substance Act and Sections 3(1) (r)(s), 3(2) (iii) (iv) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per F.I.R. allegation against the appellant and other accused persons is that they have taken breakfast at the shop of the informant and when he demanded the amount, they abused by taking caste name and started assaulting the husband of the informant, causing injury to him. It is also alleged that appellant



engaged in indiscriminate firing in Mahadalit Tola and causing in fear about the Mahadalit Tola people and also setting on fire.

Submission of the learned counsel for the appellant is that earlier prior to this case, a case has been lodged by one Purshottam Pandey with respect to his assault against the informant and other and in order to save their skin, the present case has been filed. Further submission is that there is no injury of any person and nothing is available to show that they set on fire.

Heard learned Special P.P. also, who has opposed the prayer for anticipatory bail by stating that the materials in the F.I.R. disclosed the allegation under SC/ST Act against the appellant, as such, this application for grant of anticipatory bail is not maintainable.

Having heard both sides, considering the above submission, I am not inclined to grant privilege of anticipatory bail to the appellant. However, if he surrenders and pray for regular bail, the same shall be considered on its own merit, without being prejudiced by order of this Court.

With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-



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