

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4222 of 2018

Arising Out of PS. Case No.-318 Year-2018 Thana- SAHEBGANJ District- Muzaffarpur

Md. Nabi Hasan @ Dr. Md. Nabi Hassan S/o Late Md. Hanif, Ward
Councillor, Ward No.12, Nagar Panchayat, Sahebganj Resident of Village-
Nawanagar Milki Kazichak, P.S. Sahebganj, Distt.-Muzaffarpur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar @ S.K.
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 22-01-2019

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 28.9.2018 passed in Sahebganj P.S. Case
no.318 of 2018 for the offences punishable under Section 341,
323, 353, 307, 504/34 of the Indian Penal Code and Section 3(i)
(r) of SC/ST Act by the learned 11th Addl. District and Sessions
Judge cum Special Judge, SC/ST (POA) Act, Muzaffarpur
whereby and where-under, the appellant's application for grant of
anticipatory bail has been rejected.

Allegation against the appellant is that he has demanded
one file and tried to take photograph by mobile and when the
informant protested he was abused by caste name and also



assaulted. He has criminal antecedent and he is accused in two other cases..

Submission of the learned counsel for the appellant is that he is a Ward Parshad and the appellant side also lodged a case against the informant (Circle Officer) and others but that has not been registered by the Police and he has been falsely implicated in this case.

Heard learned Special P.P., who has opposed the prayer for bail on the ground that the appellant has criminal antecedent.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant privilege of anticipatory bail rather let the appellant surrender before the learned Special Judge within a period of six weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned special judge on its own merit without being prejudiced by the order of this Court.

Accordingly, this appeal is dismissed.

(Vinod Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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