

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5361 of 2019

Arising Out of PS. Case No.-175 Year-2018 Thana- NAWADA MUFFASIL District- Nawada

ROHIT KUMAR Son of Ranjan Singh Resident of Village - Oraina, P.S.-
Muffasil, Distt - Nawada.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar, Adv

For the Respondent/s : Mrs.Usha Kumari 1, Spl. APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-12-2019

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 15.10.2019 in A.B.P. No.1468 of 2019(arising out of Muffasil P.S.Case No.175 of 2018) passed by the learned Addl. Sessions Judge-I-cum-Special Judge, Nawada registered under Sections 341,323,379,504/34 of the Indian Penal Code as well as under Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act.

Prima facie accusation of assault and commission of theft is there against the appellant also alongwith others. The said occurrence was committed against a member of scheduled caste.



Hence, prayer for anticipatory bail is not maintainable as held by learned Special Judge in the impugned order dated 15.10.2019.

Learned counsel for the appellant submits that the allegation is general and omnibus and the same is due to some other dispute. The submission is on the merit of the case.

If the application is itself not maintainable, merit in the application cannot be looked into.

Hence, I am not inclined to interfere with the impugned order. Accordingly, this appeal is dismissed as devoid of any merit.

However, in the event of surrender of the appellant, prayer for regular bail shall be considered without being prejudiced by this order on its own merits.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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