

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4642 of 2018

Arising Out of PS. Case No.-235 Year-2018 Thana- ARA MUFFSIL District- Bhojpur

Pradeep Paswan @ Sagar Paswan S/o Surendra Paswan @ Surendra Prasad
Resident of Village-Chitkundi Bara P.S. Ara M Distt.-Bhojpur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Ranjan Pd. Singh

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 04-02-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 29.10.2018 passed by the learned 1st Addl. Sessions Judge, Bhojpur , Ara in ABP No. 1753 of 2018 corresponding to SC/ST Case No. 174 of 2018 arising out of Ara Muffasil P.S.Case No. 235 of 2018 registered under Sections 147,14,149,302 and 120B of the Indian penal Code, 27 of the Arms Act and Sections 3(i) (r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is that he caught hold the deceased from waist and other accused persons fired at him causing his death.

Submission of learned counsel for the appellant is that no



case under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out as appellant himself belongs to Scheduled Caste/Scheduled Tribe community, which is mentioned in para-10 of his petition and further he was not the assailant of the deceased rather assailant was some other persons and there was enmity between the parties from before.

Heard learned Spl. P.P also who has opposed the prayer of bail stating that there is active participation of the appellant as he had caught hold the deceased from waist and other fired at him.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to him rather he should surrender within a period of six weeks from the date of receipt of a copy of this order and make prayer for regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order, if possible, on the same day.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

