

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5444 of 2019**

Arising Out of PS. Case No.-83 Year-2019 Thana- DARPA District- East Champaran

Pravesh Das Son of Raghubir Das Resident of Village - Narkatiya, P.S. -
Darpa, District - East Champaran.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant	:	Mr. Umesh Chandra Verma Mr. Abhishek Kumar, Advocates
For the Respondent	:	Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT**

Date : 16-12-2019

Heard learned counsel for the appellant and learned
Additional Public Prosecutor appearing on behalf of the State.

The appellant is aggrieved by the order dated
28.11.2019 passed by learned 1st Additional Sessions Judge-
cum-Special Judge, SC/ST Act, East Champaran at Motihari in
A.B.P. No. 3151 of 2019 arising out of Darpa P.S. Case No. 83
of 2019 registered for the offences under Sections 452, 376/511,
354, 354(B), 323 and 504/34 of the Indian Penal Code and
Sections 3(i)(a)(r)(w), 3(2)(va) of the Scheduled Castes &
Scheduled Tribes(Prevention of Atrocities) Act & POCSO Act.

Learned counsel for the appellant submits that the
appellant has no criminal antecedent. By referring paragraph 11
of the petition, he further submits that the appellant belongs to



the Scheduled Caste community and as such, the offences under the provisions of the Scheduled Castes & Scheduled Tribes(Prevention of Atrocities) Act are not attracted.

However, considering the nature of accusation, this Court is not inclined to grant the privilege of anticipatory bail. The prayer for anticipatory of the appellant is rejected. The appeal is, accordingly, dismissed.

However, liberty shall be available to the appellant to surrender before the learned court below and seek regular bail. The court below shall decide the application for regular bail without being influenced by the order of dismissal of this appeal.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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