

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.199 of 2020

Arising Out of PS. Case No.-235 Year-2019 Thana- BHARGAMA District- Araria

Chunu Mehta @ Yadunandan Mehta Son of Premlal Mehta Resident of
Village - Raghunathpur (South), P.S.- Bhargama, Dist.- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gopal Kumar Jha, Adv.
For the State : Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the appellant and Sri Binay Krishna, learned Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 03.12.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge,



Araria in Anticipatory Bail Petition No. 2383 of 2019 arising out of Bhargama P.S. Case No. 235 of 2019, corresponding to Special Case No. 218 of 2019, registered under Sections 147, 149, 341, 323, 307, 353, 188, 379, 504 of the Indian Penal Code and Section 3(l)(r) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby and whereunder the prayer of the appellant for grant of anticipatory bail has been refused.

The case of the prosecution in brief, according to the informant, namely, Gajendra Paswan, who is a Home Guard Constable, is that on 04.10.2019, during the course of checking, a motorcycle was intercepted and upon search, it was found that the registration documents were not available, hence, the said motorcycle was brought to Raghunathpur camp where the informant was deputed for the safety of the vehicles, however, at about 6.45 pm., some persons had arrived there, whereafter, they had created a ruckus and had tried to take away the motorcycle in question and on objection being



raised by the informant, the appellant herein directed all the other accused persons to assault the informant, whereupon the other accused persons had not only assaulted the informant with sticks and lathi but had also snatched a sum of Rs. 4500/- from his pocket and had also abused him by taking his caste specific name.

The learned counsel for the appellant has submitted that the appellant is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the appellant has submitted that a general and omnibus allegation has been levelled against the accused persons including the appellant herein.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the appellant and taking into account the materials available on record, this Court finds that the appellant has been instrumental in not only obstructing the informant



from discharging his official duties but had also tried to take away the motorcycle from the police custody, hence, his complicity in the alleged crime is writ large on the records, thus, I do not find the present case to be at least a case for grant of anticipatory bail, accordingly, the appeal stands dismissed.

(Mohit Kumar Shah, J)

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