

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1877 of 2020**

Arising Out of PS. Case No.-381 Year-2019 Thana- KAUWAKOL District- Nawada

Munni Yadav @ Bhunni Yadav, Son of Late Prabhu Yadav, Resident of
Village-Guaghoghra, P.S.-Kauakol, District-Nawada.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant	:	Mr. Devendra Prasad Singh, Advocate
For the Respondent	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

16-12-2020

Heard learned counsel for the appellant and learned
Special Public Prosecutor appearing for the State via video
conferencing.

2. The instant appeal under Section 14A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act has been preferred by the appellant against the order dated 17.03.2020 passed by the learned Special Judge (SC/ST)-cum-A.D.J.-1st, Nawada in Anticipatory Bail Application No.121 of 2020 whereby the prayer for grant of pre-arrest bail of the appellant in connection with Special Case No. 259 of 2019 arising out of Kawakol P.S. Case No.381 of 2019 registered under Sections 341, 323, 325, 385, 504, 506 of the Indian Penal Code and Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act,



1989 (for short 'the Act of 1989') has been rejected.

3. Considering the allegations made in the first information report that the appellant not only demanded Rs.100/- from the informant for purchasing *ganja* but, on refusal, abused him by taking his caste name and also assaulted him, which would certainly attract ingredients of the offence punishable under the Act of 1989, I do not find any illegality in the impugned order dated 17.03.2020 passed by the learned Special Judge (SC/ST)-cum-Additional Sessions Judge-1st, Nawada whereby he has rejected his application for grant of pre-arrest bail. As a matter of fact, the application for grant of pre-arrest bail is not maintainable in view of the specific provision prescribed under Section 18 of the Act of 1989.

4. The appeal against the impugned order is hereby dismissed.

5. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be



communicated to me on my e-mail by the Senior Secretary.

- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2020
Transmission Date	21.12.2020

