

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2881 of 2019**

Arising Out of PS. Case No.-130 Year-2018 Thana- CHENARI District- Rohtas

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PANKAJ MISHRA @ PANKAJ KUMAR Son of Sri Ram Updesh Mishra @
Ram Udesch Mishra Residing at Mohalla- New Hatta, Police Station- Chenari,
District- Rohtas.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Jay Prakash Singh
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

7 29-01-2020 This is an appeal under Section 14(A)(2) of the

Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 15.09.2018 passed by learned 1st Additional
Sessions Judge cum Special Judge (SC/ST Act), Rohtas at
Sasaram in connection with Special/Registered Case No.
175/2018 registered under Sections 147, 148, 149, 302,120(B)
of the Indian Penal Code and Section 3 (2) (v) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prayer for anticipatory bail of the appellant was
already rejected by this Court vide order dated 03.01.2019
passed in Cr. Appeal(SJ) No.4409 of 2018. However, after six



months this anticipatory bail has been filed by the appellant.

Appellant is named in the F.I.R. and there is allegation against him that he assaulted the deceased and killed him.

It is submitted by learned counsel for the appellant that two F.I.R. have been lodged in connection with the present case and as a matter of fact deceased died due to accident, which appears from plain reading of the paragraphs of the case diary. However, since appellant is named in the F.I.R. with allegation, his anticipatory bail in SC/ST Act is barred by Section 18 of the Act. Hence, I am not inclined to interfere with the earlier order passed by this Court.

Heard learned Spl. PP also.

Accordingly, this appeal is dismissed.

(Vinod Kumar Sinha, J)

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