

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3765 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- NAGARNAUSA District- Nalanda

RAUSHAN GOPE Son of Bakhori Gope Resident of Village-Baldha, Police
Station-Nagarnausa, District-Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ganesh Sharma, Advocate
For the Respondent/s : Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 13-02-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge, Nalanda at Biharsharif, in connection with Nagarnausa Police Station Case No.35 of 2019, registered under Sections 363/365/504/506/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Subsequently, offence under Sections 302/201 of the Indian Penal Code was added.

According to FIR, the appellant and others came to the house of the informant and just to pressurize for withdrawal of earlier case lodged by the informant they abused to the informant and threatened to assault if the earlier criminal case was not withdrawn. They further threatened to kidnap any of the family members of the



informant. On 12.03.2019, the wife of the informant got missing and suspicion was raised that the appellant and others kidnapped her for the purpose of commission of murder.

Learned counsel for the appellant submits that during investigation no witness stated before the police that the appellant was seen along with the missing lady at any point of time or any particular place.

Learned counsel for the informant submits that though only suspicion is there of abduction of the wife of the informant whose dead body was found subsequently, however, other averments in the FIR prima facie discloses accusation of commission of offence under the SC/ST Act. Hence, bar under Section 18 of the Act for consideration of prayer for anticipatory bail is applicable.

Considering the facts aforesaid, I do not find any merit in this appeal. Accordingly, it stands dismissed.

However, in the event of surrender of the appellant the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

(Birendra Kumar, J)

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