

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3837 of 2019**

Arising Out of PS. Case No.-221 Year-2017 Thana- BELAGANJ District- Gaya

Gautam Kumar, Son of Parikshan Mahato Resident of Village-Harigaun,
Police Station-Belaganj, District-Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar, Advocate.

For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

6 17-02-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 20.07.2019 by the learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 185 of 2019, arising out of Belaganj P.S. Case No. 221 of 2017 registered under Sections 147, 149, 341, 323, 427, 379, 353 and 354 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(1)(Za) (E) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Considering the nature of allegation against the appellant that along with a mob the appellant ransacked public office where the informant was posted as Junior Engineer



(Electrical). In my view, this is not a fit case for grant of anticipatory bail.

Learned counsel for the appellant submits that the counter case is just prior to the present case wherein allegation is that husband of the informant died while working on electric pole due to negligence of the named persons in getting the electric supply restored while the work was going on.

Since husband of the informant was already serving in the electricity company at the referred place that cannot be an excuse to the act done by the appellant. Hence in my view, appellant does not deserve anticipatory bail. Accordingly prayer is refused and this appeal is dismissed.

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

(Birendra Kumar, J)

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