

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3991 of 2019

Arising Out of PS. Case No.-117 Year-2018 Thana- MEHANDIGANJ District- Patna

MUNNA MEHTA @ CHANDRASHEKHER PRASAD Son of Late Bhola Mahto Resident of Mohalla-Begampur, Pipal Tal, Patna City, P.S-Bypass, District-Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mosmat Dharmsheela Devi Wife of Late Vijay Choudhary Resident of Bena Sah Ka Bag, P.S.-Mehandiganj, District-Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rudra Deo, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, SPP

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 Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned In-charge Special Judge, SC/ST Act, Patna, in connection with Special Case No.684 of 2018, arising out of Mehdaiganj Police Station Case No.117 of 2018, registered under Sections 341/ 323 /504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR prima facie discloses commission of offence under the provisions of Section 3(2)(Va) read with



schedule attached to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on 27.12.2018. Hence, the prayer for anticipatory bail is not maintainable in view of the bar under Section 18 of the Act.

Therefore, it cannot be argued in an application for anticipatory bail that in the past also the informant had lodged Mehdiganj P.S. Case No.70 of 2018 with allegation that the appellant kidnapped to her minor daughter and for that reason the occurrence of assault was committed and the fact that the appellant has already married with the daughter of the informant as both have love affairs which is supported by the evidence of the daughter of the informant in the statement under Section 164 Cr.P.C. recorded on 28.09.2018.

There was no reason for the appellant to commit the alleged offence on 27.12.2018.

Hence, I am not inclined to enlarge the appellant on anticipatory bail. 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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