

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4575 of 2019

Arising Out of PS. Case No.-223 Year-2018 Thana- CHARPOKHARI District- Bhojpur

MUNNA KUMAR Son of Late Devnandan Ram Resident of Village, P.O.-
and P.S.-Charpokhari, District- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sidheshwar Singh Son of Late Ramanand Singh Resident of Village, P.O.
and P.S.-Charpokhari, District-Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nagendra Upadhyay
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 26-02-2020 Heard the parties.

This appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred against the order dated 22.07.2019 passed in SC/ST Case No. 287 of 2018 arising out of Charpokhari P.S. Case No. 223 of 2018, whereby the learned Special Judge, Bhojpur at Ara has granted bail to respondent no.2.

While granting bail, the court below considered that the offences of the Indian Penal Code alleged against the respondent no.2 whereunder chargesheet was submitted were bailable one.

Submission is that prior to the aforesaid order, cognizance was already taken under Sections 341, 323, 504, 506 and 379/34 of the Indian Penal Code as well as Section 3(i)(s)(r)



(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the Court below ignored that the offences of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is also alleged against the respondent no.2. Hence, on the date of surrender, bail should not have been granted. Learned counsel for the appellant further refers to Para-4 of the memo of appeal for submitting that the respondent no.2 has got criminal antecedent. In the case referred in Para-4, the offences of the Penal Code are bailable.

Since Special Judge was conscious, after taking cognizance that offence of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is also there, only non mentioning of the offences of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act would not be a ground to cancel the bail already granted unless a case of misuse of privilege of bail is made out.

Hence, this appeal has got no merit. Accordingly, it stands dismissed.

(Birendra Kumar, J)

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