

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4852 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- SC/ST District- Gopalganj

Bhola Mian S/o Alim Mian R/o Village- Chai Tola Pathan Patti, P.S.- Thawe,
District- Gopalganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-01-2020

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, Gopalganj, in connection with Gopalganj SC/ST Police Station Case No.45 of 2019, registered under Sections 420/467/468/406/120B/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant and co-accused Rajesh Singh is that they took rupees one lac twenty thousand for managing Visa and ticket for the complainant to go abroad. The appellant and co-accused produced a forged Visa and a



forged ticket. On detecting the forgery, the complainant demanded refund of his money thereafter complainant was abused by the appellant and others by taking caste name and was threatened to be killed if persist with his demand.

After hearing the parties and considering the fact that prima facie offence under the SC/ST Act is disclosed, against the appellant, in the FIR, the prayer for anticipatory bail is not maintainable. The learned Court-below was also of the view that application for anticipatory bail was not maintainable in view of the bar under Section 18 of the SC/ST Act.

Hence, I do not find any reason to interfere with the impugned order and this appeal is dismissed as devoid of any merit. However, in the event of surrender and prayer for regular bail by the appellant, the court-below shall consider the same without being prejudiced by the order of refusal of anticipatory bail on the ground of non-maintainability.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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