

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5037 of 2019

Arising Out of PS. Case No.-252 Year-2019 Thana- DHAMDAHA District- Purnia

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DIGAMBER THAKUR @ BIJALI THAKUR Son of Late Yoganand Thakur
Resident of Village - Bishanpur, P.S.- Dhamdaha, District - Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Amit Kumar Anand, Advocate
For the Respondent/s : Mr.Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 18-02-2020 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 (SC/ST Act), Purnea, in connection with Dhamdaha Police Station Case No.252 of 2019, registered under Section 364/34 of the Indian Penal Code. Subsequently, offence under Sections 302/201/120B of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation in the FIR is that the appellant and others took to the husband of the deceased on the pretext of panchaiti and thereafter dead body of the husband of the informant was



recovered. Apparently, there is accusation under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Hence, prayer for anticipatory bail is not maintainable.

Therefore, it cannot be argued in an application for anticipatory bail that only material is suspicion against the appellant and no one had seen the actual occurrence etc.

In the result, this appeal against the refusal of prayer for anticipatory bail has got no merit. 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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