

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5372 of 2019

Arising Out of PS. Case No.-43 Year-2016 Thana- HARPUR District- Munger

1. Sarvottam Kumar @ Sarvottam Verma
2. Sanjeev Verma @ Sanjev Kumar
Both sons of Shaligram Verma @ Shaligram Prasad Verma R/o village-
Madhodih, P.S.- Harpur, Distt.- Munger

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Mallick, Advocate

For the Respondent/s : Mr.Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 20-02-2020 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, Munger, in connection with Harpur Police Station Case No.43 of 2016, registered under Sections 341/323/379/504/506 of the Indian Penal Code and Section 3(x) (xi) 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. Hence, the prayer for anticipatory bail is not maintainable in view of the bar under Section 18 of the Act.

Therefore, in an application for anticipatory bail it cannot be argued that the land over which the informant was working was of the appellants when admittedly a receiver was appointed by the Court. As such, the land was not in the possession of the appellants.

Submission is that the FIR has been registered after seven days of the occurrence. The written report clearly depicts that the complaint to the police was made on 17.11.2016 itself and it was for the police to explain, why the registration of the FIR was delayed. For that the prosecution cannot suffer.

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 appellants the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

(Birendra Kumar, J)

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