

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5489 of 2019

Arising Out of PS. Case No.-486 Year-2013 Thana- BAGHA District- West Champaran

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YOGENDRA SINGH Son of Late Brijlal Singh Resident of Village - Nadda
Kapardhika, P.S.- Bhairoganj, District - West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjeev Kumar, Adv
For the Respondent/s : Mr.Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 06-02-2020 Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 15.11.2019 in A.B.P. No.2694 of 2019 arising out of Bagaha Bhairoganj P.S.Case No.486 of 2013 (Tr.No.311/2018) passed by the learned 1st Addl. District and Sessions Judge-cum-Special Judge, SC/ST/POCSO, Bettiah, West Champaran registered under Sections 147, 148, 149, 447, 341, 323, 354A, 436, 379, 504, 506 of the Indian Penal Code as well as under Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act and 27 Arms Act.

By order dated 14.05.2014 passed in Cr. Misc. No.13021 of 2014, the prayer of the petitioner for anticipatory



bail was refused and this Court observed as follows:

“After some arguments, learned counsel for the petitioners seeks permission to withdraw this application for grant of anticipatory bail on behalf of petitioner No.3, namely, Yogendra Singh with liberty to surrender before the court below within a fortnight and seek regular bail in connection with Bagaha (Bhairoganj) P.S.Case No.486 of 2013, which shall be considered on its own merit, without being prejudiced of instant withdrawal.”

The appellant neither complied the aforesaid order nor challenged the same and again prayer has been renewed on flimsy ground that the appellant was not chargesheeted by the police in the case, however, the Magistrate differed with the police report and took cognizance in the case on 27.09.2018 and summons was issued against the appellant on 30.07.2019 giving rise to fresh cause of action.

It is evident that the investigation of the case was completed on 30.09.2014 which would be evident from the chargesheet at Annexure-3. Therefore, order dated 14.05.2014 aforesaid which was to be complied by surrender within a fortnight was not complied by the appellant within time during



investigation of the case nor the appellant challenged the same before any superior court rather awaited to get the desired result of the police investigation.

Hence, this application is abuse of the process of the Court.

Accordingly, this appeal stands dismissed with cost of Rs.25,000/- to be deposited in the Victim Compensation Fund by the appellant at the time of surrender in the case.

Failing which the learned court below shall recover the amount as fine.

(Birendra Kumar, J)

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