

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5759 of 2019

Arising Out of PS. Case No.-488 Year-2019 Thana- PHULWARISHARIF District- Patna

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Md. Taffazul Hussain @ Taffazul Hussain, Son of Md. Khaliul Rahman,
Resident of - G.S.R. Apartment, Ranipur Road, Alwa Colony, P.S.-
Phulwarisharif, Distt - Patna.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant	:	Ms. Sushmita Singh, Advocate
		Mr. Amrendra Kumar, Advocate
For the Respondent-State:		Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Manoj Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
17-09-2020

Heard learned counsel for the appellant, learned
counsel for the State and learned counsel for the informant via
video conferencing.

This appeal under Section 14-A(2) of the Scheduled
Castes and the Scheduled Tribes (Prevention of Atrocities) Act
has been filed by the appellant challenging the order dated
05.09.2019 passed by the learned Special Judge, SC/ST, Patna
in ABP No.5607 of 2019 arising out of Phulwari Sharif P.S.
Case No.488 of 2019 registered under Sections 420, 406 of the
Indian Penal Code and Section 3(1)(r) of the Scheduled Castes
and the Scheduled Tribes (Prevention of Atrocities) Act.

Considering the allegation that a huge amount was



paid by the informant and her husband to the appellant for purchase of a flat in the locality of Phulwarisharif, Patna through RTGS and cash and the appellant refused to execute the sale deed and to return the amount to the informant's husband and on demand he abused the informant's husband taking his caste name, I am of the opinion that an offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act is clearly made out.

In that view of the matter, the application for grant of pre-arrest bail would not be maintainable. I am also of the opinion that the court below has rightly rejected the application for grant of pre-arrest bail to the appellant.

The appeal lacks merit. It is dismissed, accordingly.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior Secretary, which



shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.

- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Ms. Sushmita Singh, learned counsel for the appellant also on her email.
- (v) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2020
Transmission Date	22.09.2020

