

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5867 of 2019

Arising Out of PS. Case No.-817 Year-2018 Thana- KOTWALI District- Patna

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1. CHUNNU KUMAR DUBEY Son of Late Binda Dubey Resident of New Mithila Colony, Biscuit Factory More, Danapur, P.S.- Danapur, Distt - Patna.
 2. Subodh Kumar Singh @ Subodh Singh Son of Late Musafir Singh Resident of Chakaram, P.S.- Buddha Colony, Distt - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deepak Kishore

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-10-2020 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceedings.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 16.10.2019 passed by learned 1st Additional District Judge-XX-cum Special Judge, SC/ST Patna in connection with Kotwali P.S. Case No. 817 of 2018 (Spl. Case No. 645 of 2018) registered under Sections 341, 342, 186, 189, 504, 506 and 34 of the Indian Penal Code and Sections 3(x) of



the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case is that on 28.11.2018, the informant stated that accused persons always make the abuse and disturbance in official work and misbehaved with the official staff in branch of LIC. Accused persons also on 26.11.2018 entered into cash counter and abused the informant using his caste name who is belonged to schedule caste. It is also alleged that on 27.11.2018, accused persons disturbed the official work whole day and threatened the official staff.

It is submitted by learned counsel for the appellants that appellant are innocent and denying all the allegations which imposed upon them in this case. He submits that appellants are LIC agent and has been running as a LIC agent since last more than 20 years. He submits that joint compromise petition on behalf of the informant and accused persons under Section 320 of the Cr. P.C. has been filed before the court of Special Judge, SC/ST Patna so under this compromise petition, now the informant has no grievance against the accused persons and as such the informant do not want to proceed with that case and thereafter both parties have put their signatures with consent as well as with affidavit as



enclosed at Annexure-8 of this petition.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellants on anticipatory bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Kotwali P.S. Case No. 817 of 2018 (Spl. Case No. 645 of 2018) pending before the court of the learned Additional District Judge-XX-cum-Special Judge, SC/ST Patna.

However, appellants are at liberty surrender before the learned court below and pray for regular bail. The learned court below is directed to consider the bail application of the appellants on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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