

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1713 of 2021**

Arising Out of PS. Case No.-272 Year-2019 Thana- MASHRAK District- Saran

=====

MITHLESH KUMAR TIWARI @ BABLU TIWARI @ MITHILESH KUMAR TIWARI Son of Nagendra Tiwary @ Nagendra Ti Resident of Village - Dhanauti, P.S.- Panapur, District - Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Kumar Baitha Son of Bikrama Baitha R/O Durgauli, ward no- 03, P.S.- Mashrak Dist Siwan

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr.Krishna Prasad Singh, Sr. Adv. Mr.Bhaskar Shankar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P. Mr.Jeetendra Narayan, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-07-2022 Heard the parties.

Learned counsel for the appellant undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 06.11.2020, passed by learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Saran at Chapra, in



connection with Mashrakh P.S. Case No.272 of 2019, registered under sections 406/420 of the IPC and sections 3(1)(r)(w) of the SC/ST Act.

Allegedly, the informant has given three cheques to Namah Shivay Traders amounting to Rs.7,99,500/- for work related to Chief Minister Nal Jal Yojna, which was received by the petitioner but till date work has not been done and the informant is being abused by taking caste name.

It is submitted by learned senior counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is stated that appellant is not the beneficiary of the alleged transaction in any manner and admittedly he has only received the cheques and delivered to the proprietor. It is submitted that no offence under the SC/ST Act is made out against the appellant, as the occurrence is not said to have taken place in the public view.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for anticipatory bail by submitting that the appellant has suppressed the fact that he has one criminal antecedent of similar nature.



Considering that the appellant has suppressed his criminal antecedent and made a wrong averment at para-3 of this memo of appeal, as a result, without going into the merits of the case, I am not inclined to enlarge him on anticipatory bail.

The prayer for grant of anticipatory bail on behalf of the appellant is rejected.

This appeal is accordingly dismissed.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

