

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4071 of 2023

Arising Out of PS. Case No.-275 Year-2022 Thana- ALAMNAGAR District- Madhepura

VINAY KUMAR SON OF SRI SURENDRA MAHTA @ SHILO MEHTA
RESIDENT OF VILLAGE - MADHATPUR WASA JAGDISHPUR
KUNJAURI, POLICE STATION - ALAMNAGAR, DISTRICT -
MADHEPURA (852210)

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajnish Kumar Singh
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 31-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 22.11.2023, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through his/her counsel but nobody
entered appearance on his/her behalf.

3. 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 13.07.2023 passed by learned Additional
District and Sessions Judge-I-cum Special Judge (SC/ST Act),
Madhepura, in connection with Alamnagar P.S. Case No. 275 of



2022, registered under Sections 147, 148, 149, 341, 342, 323, 307, 224, 225, 354B, 332, 353, 333, 504, 506 of the Indian Penal Code and Section 3(1) (r) (s) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that the informant along with raiding team went to Jagdishpur in compliance of order to arrest the appellant and others for a previous case. When the appellant was caught and taken into custody, he started abusing the police officer of the raiding team. It is alleged that other co-accused persons came and abused and assaulted the police persons and also rescued the appellant from the police custody.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. He further submits that the police persons went to Jagdishpur to arrest the dreaded criminal with heavy forces but the real matter of fact is that the appellant is an accused in case of cheque



bounce in which warrant has been issued to arrest him. Appellant has no criminal antecedent, as per para-3 of the memo of appeal, but it is fairly submitted by the learned counsel for the appellant in the outset of the argument that the appellant has one criminal antecedent.

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

7. Having regard to the facts and circumstances of the case as there is specific allegation against the appellant in the FIR, it is not a fit case for grant of anticipatory bail. The prayer for grant of bail on his behalf is hereby rejected.

8. This appeal is, accordingly, dismissed.

9. However, if the appellant surrenders before the learned Court below within six weeks from today and seek for regular bail, the learned Court below shall pass order on the same day in accordance with law considering the view of Hon'ble Apex Court in the case of *Arnesh Kumar Vs. The State of Bihar*.

(Anjani Kumar Sharan, J)

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