

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4966 of 2023

Arising Out of PS. Case No.-101 Year-2022 Thana- PANAPUR District- Saran

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AMIT KUMAR MANJHI @ AMIT MANJHI @ SANTOSH MANJHI S/O
LATE MADAN MANJHI VILLAGE- SEMARI PS. PANAPUR, DISTT.
SARAN AT CHAPRA

... .. Appellant/s

Versus

1. The State of Bihar
2. UMESH RAM S/O LATE CHATURI RAM R/O VILLAGE- SEMARI, PS.
PANAPUR, DISTT. SARAN AT CHAPRA

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Vijay Kumar, Advocate.
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Deep Anshuman, Advocate.
		Mr. Rajesh Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 10-05-2024 Ld. counsel for the appellant has filed certified copy of the order dated 25.8.2023 passed by Ld. Magistrate SC/ST, Saran at Chapra, in Panapur P.S. Case No. 101 of 2022 whereby the cognizance of offence punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the Indian Penal Code has been taken by Ld. Magistrate against the accused persons including the Appellant. Let it be kept on the record.

2. Heard Ld. counsel for the Appellant as well as Ld. counsel for the Respondent No. 2.



3. The present appeal has been filed by the Appellant against the impugned order dated 22.9.2023 passed by the Ld. SC/ST Exclusive Special Judge, Saran at Chapra, in connection with Panapur P.S. Case No. 101 of 2022 whereby the anticipatory bail of the Appellant has been rejected as not maintainable.

4. Ld. counsel for the Appellant submits that the Appellant is innocent and has falsely been implicated. Even after investigation, Police has found no material against the Appellant. Hence, he was not sent up for trial.

5. However, Ld. Magistrate has taken cognizance finding sufficient material as per the case diary. He further submits that the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 does not apply in case of this Appellant, because, he himself belongs to SC/ST community.

6. However, Ld. Spl. P.P. SC/ST and Ld. counsel for the Respondent No. 2 vehemently oppose the prayer of the appellant submitting that there is no illegality or infirmity in the impugned order because finding *prima facie* case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellant, the Ld. Magistrate has



taken cognizance of offence punishable under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act besides Indian Penal Code and, hence, the anticipatory bail petition filed before the Ld. Trial Court was not maintainable in view of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Petitioner has even preferred petition under Section 482 Cr. P.C. before this Court for quashing of the cognizance order dated 25.8.2023. However, the same petition has not been allowed and it is still pending consideration before this Court.

7. Considering the aforesaid fact and circumstances of the case particularly the fact that cognizance of offence punishable under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the Appellant has been taken by Ld. Magistrate vide order dated 25.8.2023 and the same is subsisting as of today, the petition for anticipatory bail before the Ld. court below was not maintainable in view of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Hence, there is no illegality or infirmity in the impugned order whereby the Ld. Trial Court has rejected the anticipatory bail petition of the Appellant by the impugned order.



8. Accordingly, this petition is dismissed for want of
merit.

(Jitendra Kumar, J)

S.Ali/ravishankar

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