

(2014) 04 PAT CK 0034

In the Patna High Court

Case No : Criminal Miscellaneous No. 19388 of 2014

Dhananjay Sharma, Miro Sharma and Chhatrapati Sharma	APPELLANT
Vs	
The State of Bihar	RESPONDENT

Date of Decision : 30-04-2014

Acts Referred:

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 18, 3(x)

Citation : (2014) 04 PAT CK 0034

Hon'ble Judges : Jitendra Mohan Sharma, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

Jitendra Mohan Sharma, J.—Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Allegedly, the informant went at the residence of the petitioners, demanded his wages to which petitioner no. 3 advised him to come in the evening but when the informant again demanded, the petitioners abused him saying " Shala Harijan" and assaulted him with fist, kick and brick blow and further petitioner no. 3 assaulted by throwing brick.

3. Learned counsel for the petitioners seeks privilege of pre arrest bail of the petitioners pleading their innocence, false implication and submitting that no such occurrence has taken place. Actually the amount is due upon the informant and when the petitioners requested the informant to do labour work for the amount he became annoyed and lodged this case. The occurrence, as alleged, has not taken place in public view and as such no offence u/s 3(x) of SC/ST (P.O.A.) Act is made out.

4. Learned A.P.P. opposes the prayer of privilege of pre arrest bail and submits that Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of atrocities) Act, 1989 bars pre arrest bail. In this connection he has relied upon a

decision of the Supreme Court in the case of Bachu Das Vs. State of Bihar and Others, .

5. Considering the submission urged at the Bar, going through the FIR, record and noticing that in this case, as alleged, the occurrence has not taken place in public view, there is force in the submission of learned counsel for the petitioner that no offence under SC/ST Act is made out and it is a fit case of regular bail, the petitioners are directed to surrender within fortnight before learned A.C.J.M., Khagaria, in Alouli P.S. Case no. 33/2014 and pray for regular bail, which shall be considered on its own merit under the light of observation as made above.

6. Accordingly it is disposed of.