

(2021) 01 JH CK 0076

In the Jharkhand High Court

Case No : Criminal Appeal (S.J.) No. 466 Of 2020

Manoj Ram Choubey And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 07-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 341, 504, 506

Scheduled Caste and Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 18

Code Of Criminal Procedure, 1973 — Section 438

Citation : (2021) 01 JH CK 0076

Hon'ble Judges : Amitav K. Gupta, J

Bench : Single Bench

Advocate : C.S Pandey, Ashok Singh, M.K. Sinha

Final Decision : Dismissed

Judgement

1. The appeal is directed against the judgment dated

15.06.2020, whereby the prayer for anticipatory bail of the petitioner has been rejected by the court of learned Additional Judicial Commissioner-VII-

cum-Spl-Judge SC/ST, Ranchi, in connection with SC/ST Case No. 44 of 2019 registered under Section 341, 323, 504, 506, read with Section 34 of the

Indian Penal Code and Section 3(1) (r) of SC/ST Act.

2. Heard the learned counsel for the appellants and learned APP assisted by learned counsel for respondent No.2.

3. It is submitted by the learned counsel for the appellants that the instant case is a counter blast to the complaint lodged on 12.07.2019 by appellants

and the online FIR with the police.

On query no satisfactory reply has been given nor any document was produced

by the learned counsel for the appellants to satisfy this Court as to what steps were taken by the appellants on non-registration of FIR by the concerned police station. The appellants filed the complaint case on 05.01.2020, i.e., after nearly six months. In the given facts and circumstances the contention of learned counsel, that the instant case has been lodged as a counter- blast, to the complaint filed by the appellants, is not acceptable. On perusal of the FIR of the instant case a prima-facie case is made out against the appellants for committing the offence under Section 3(1)(r) of SC/ST Act. Section 18 excludes the application of Section 438 Cr.P.C., in connection with SC/ST Act, accordingly the prayer for grant of anticipatory bail is declined.

4. In the result the appeal stands rejected.

5. The appellants are directed to surrender in the court below and pray for regular bail. The court below shall pass necessary order on merit without being prejudiced by this order.