

(2020) 09 PAT CK 0225

In the Patna High Court

Case No : Criminal Appeal (Sj) No. 5759 Of 2019

Md. Taffazul Hussain @ Taffazul Hussain

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 17-09-2020

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 14A(2)
Indian Penal Code, 1860 — Section 406, 420

Citation : (2020) 09 PAT CK 0225

Hon'ble Judges : Ashwani Kumar Singh, J

Bench : Single Bench

Advocate : Sushmita Singh, Amrendra Kumar, Sadanand Paswan, Manoj Kumar Singh

Final Decision : Dismissed

Judgement

Heard learned counsel for the appellant, learned counsel for the State and learned counsel for the informant via video conferencing.

This appeal under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act has been filed by the appellant

challenging the order dated 05.09.2019 passed by the learned Special Judge, SC/ST, Patna in ABP No.5607 of 2019 arising out of Phulwari Sharif

P.S. Case No.488 of 2019 registered under Sections 420, 406 of the Indian Penal Code and Section 3(1)(r) of the Scheduled Castes and the

Scheduled Tribes (Prevention of Atrocities) Act.

Considering the allegation that a huge amount was paid by the informant and her husband to the appellant for purchase of a flat in the locality of

Phulwarisharif, Patna through RTGS and cash and the appellant refused to execute the sale deed and to return the amount to the informant

husband and on demand he abused the informant's husband taking his caste name, I am of the opinion that an offence under the Scheduled Castes

and the Scheduled Tribes (Prevention of Atrocities) Act is clearly made out.

In that view of the matter, the application for grant of pre-arrest bail would not be maintainable. I am also of the opinion that the court below has

rightly rejected the application for grant of pre-arrest bail to the appellant.

The appeal lacks merit. It is dismissed, accordingly.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered

appropriate to adopt the following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Senior

Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior Secretary, which shall be treated to be an authentic

copy of the order passed by this Court in the present proceeding.

(iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be sent to Ms. Sushmita Singh, learned counsel for the appellant also on her email.

(v) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.