

(2020) 12 PAT CK 0392

In the Patna High Court

Case No : Criminal Appeal (Sj) No. 1877 Of 2020

Munni Yadav @ Bhunni Yadav

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 16-12-2020

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 14A(2), 18
Indian Penal Code, 1860 — Section 323, 325, 341, 385, 504, 506

Citation : (2020) 12 PAT CK 0392

Hon'ble Judges : Ashwani Kumar Singh, J

Bench : Single Bench

Advocate : Devendra Prasad Singh, Sadanand Paswan

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the appellant and learned Special Public Prosecutor appearing for the State via video conferencing.

2. The instant appeal under Section 14A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act has been preferred by

the appellant against the order dated 17.03.2020 passed by the learned Special Judge (SC/ST)-cum-A.D.J.-1st, Nawada in Anticipatory Bail

Application No.121 of 2020 whereby the prayer for grant of pre-arrest bail of the appellant in connection with Special Case No. 259 of 2019 arising

out of Kawakol P.S. Case No.381 of 2019 registered under Sections 341, 323, 325, 385, 504, 506 of the Indian Penal Code and Section 3(1)(r) of the

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "the Act of 1989") has been rejected.

3. Considering the allegations made in the first information report that the appellant not only demanded Rs.100/- from the informant for purchasing

ganja but, on refusal, abused him by taking his caste name and also assaulted him, which would certainly attract ingredients of the offence punishable

under the Act of 1989, I do not find any illegality in the impugned order dated 17.03.2020 passed by the learned Special Judge (SC/ST)-cum-Additional

Sessions Judge-1st, Nawada whereby he has rejected his application for grant of pre-arrest bail. As a matter of fact, the application for grant of pre-

arrest bail is not maintainable in view of the specific provision prescribed under Section 18 of the Act of 1989.

4. The appeal against the impugned order is hereby dismissed.

5. 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 e-mail by the Senior

Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail 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 steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.