

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1060 of 2016

Arising Out of PS.Case No. -62 Year- 2015 Thana -SC/ST P.S. District- NAWADA

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1. Rajballabh Yadav @ Rajballam Yadav Son of Suresh Yadav Resident of
 Village- Rupaul, P.S.: Kawakole, District Nawada.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3/ 09-01-2017

1. Heard learned counsel for the appellant as well as learned Special
 Public Prosecutor for the State.

2. This criminal appeal filed under section 14 (2) A of the SC/ST
 (Prevention of Atrocities) Amendment Act has been preferred against the order
 dated 18.10.2016 passed by learned Addl. Sessions Judge I, Nawada in ABP no.
 910 of 2016/ 340 of 2016.

3. Appellant and other FIR named accused are said to have assaulted
 the informant's son having entered into his house and also abused the informant
 and his other family members calling his caste name.

4. The learned court below rejected the prayer for anticipatory bail of
 appellant on the ground of maintainability as section 18 of the SC/ST (Prevention
 of Atrocities) Act forbids to entertain the petition filed under section 438 of the
 Cr.P.C. However, in course of hearing, it is informed that co- accused Sukar
 Yadav @ Sookar Yadav and five others have already been released on regular
 bail by the court below on the day of their surrender in the light of direction of a



coordinate bench of this court passed in Cr. Misc. no.5738/2016.

5. In view of the aforesaid facts and circumstances as well as submissions of the parties, this criminal appeal stands dismissed and the impugned order dated 18.10.2016 passed by learned Addl. Sessions Judge I, Nawada in ABP no. 910 of 2016/ 340 of 2016 is, hereby, confirmed.

6. However, if the appellant surrenders within six weeks from the date of receipt of this order, the concerned court shall consider regular bail application of the appellant on its own merit without being prejudiced by this order and shall pass appropriate order on regular bail application of the appellant on the date of his surrender taking note of the fact that having more or less similar allegation almost all co- accused have already been granted regular bail on their surrender.

(Hemant Kumar Srivastava, J)

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