

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.410 of 2018**

Arising Out of PS.Case No. -77 Year- 2016 Thana -SC/ST District- SITAMARHI

=====

1. Rajesh Sahani, Son of Sukhari Sahani,  
2. Mukesh Sahani, Son of Sukhari Sahani,  
3. Gina Sahani, Daughter of Sukhari Sahani,  
4. Naresh Sahni, Son of Sukhari Sahani,  
5. Gajju Sahani @ Gaju Kumar, Son of Sukhari Sahani, All R/o Village-  
Piprarhi Sultan, P.S.- Bairgania, District- Sitamarhi.

.... .... Appellants

Versus

The State of Bihar.

.... .... Respondent

=====

**Appearance :**

For the Appellant/s : Mr. Ashok Kumar Jha, Adv.

For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP.

=====

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

2      17-02-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in connection with SC/ST Sitamarhi P.S.Case No. 77 of 2016 registered under Sections 452,323 of the Indian Penal Code as well as under Sections 3(i)(x)(xi) of the Scheduled Castes and Scheduled Tribes Act.

In my view, the complaint discloses the commission of offence under the provisions of Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act. I do not find any merit in the submission of the learned counsel for the appellants that since allegation is not specific against anyone, the bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not attracted. The criminal intent of the appellants is apparent. Hence, I am not inclined to interfere with the impugned order and accordingly, this appeal is dismissed as devoid of merit.

The prayer for regular bail of the appellants would be considered without being prejudiced by this order.

**(Birendra Kumar, J)**

Nitesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

