

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3355 of 2017

Arising Out of PS.Case No. -77 Year- 2017 Thana -BAHERI District- DARBHANGA

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1. Harekant Rai, Son of Late Jagdish Rai,
2. Kundan Rai, Son of Shyam Sundar Rai.
3. Binay Rai, Son of Harekant Rai.
4. Saurabh Rai, Son of Arvind Rai.
5. Chandan Rai, Son of Shyam Rai,
6. Lalan Rai, Son of Anil Rai. All are resident of Village Bithauli, P.S.
Baheri, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhat Kumar Singh, Adv.
For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP.
For the Informant : Mr. Sugandha Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 06-03-2018

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 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act in connection with Baheri P.S.Case No. 77 of 2017 registered under Sections 147,149,341,323,352,427,354,354(B),307 of the Indian Penal Code as well as under Sections 3(i)(g)(R) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the appellants come to the



house of the informant, abused and assaulted by taking caste name and damaged the Hut of the informant. Other witnesses have also supported the allegation against the appellants.

Submission is that the allegation is general and omnibus, not specific against any of the appellants.

Learned counsel for the informant opposed the prayer for anticipatory bail.

A bare perusal of the FIR would reveal that the offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Hence, bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is applicable.

In the circumstances, I am not inclined to interfere with the impugned order, whereby prayer for anticipatory bail has been refused.

However, in the event of surrender of the appellants, their prayer for regular bail shall be considered without being prejudiced by this order.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

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