

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1317 of 2018

Arising Out of PS.Case No. -109 Year- 2017 Thana -TARIYANI CHOWK District- SHEOHAR
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1. Jawahar Rai, s/o late Amir Rai,
2. Manjay Rai, s/o Jawahar Rai,
3. Satydev Rai, s/o Jawahar Rai, all resident of village - Tajpur, P.S. - Tariyani, Distt - Shivhar.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Hari Mohan Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 24-05-2018

Counsel for the appellants submits that appellant

No.1, Jawahar Rai, has been arrested during the pendency of this appeal.

In view of such, this appeal is dismissed as withdrawn in so far as it relates to appellant No.1-Jawahar Rai.

Heard counsel for the parties.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against refusal of prayer for anticipatory bail in **Tariyani P.S. Case No.109 of 2017** instituted under Section(s) 341, 323, 325, 354-A, 504/34 Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, 1989, by the 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sheohar.

In the written report, it is alleged that informant has entered into inter-caste marriage with Prem Kumar. Marriage was opposed by appellant No1. It is further alleged that sons of appellant No.1 entered into the house of the informant and also attempted to commit illegal act with her. It is also alleged that accused persons entered into her house armed with weapon. Appellant no.1 abused the informant by calling her caste name and thereafter co-accused, Sanjay Rai, assaulted with iron rod on the hand causing injury in her hand. Thereafter, all the accused assaulted with iron rod causing injury to the informant. She was admitted in SKMC Hospital for treatment. Cause of occurrence is that the informant belongs to scheduled caste and she has performed marriage with Prem Kumar, who belongs to Yadav community.

Counsel for the appellants submits that other co-accused has been granted anticipatory bail by co-ordinate Bench of this Court by order dated 10.04.2018 passed in Cr. Appeal (SJ) No.891 of 2018.

In that order, it has been mentioned that specific allegation is levelled against these appellants.



Considering the aforesaid facts, this Court is not inclined to extend the privilege of anticipatory bail to appellant Nos.2 and 3.

In view of such, prayer of appellant Nos.2 and 3 for grant of anticipatory bail is rejected.

Accordingly, the impugned order is hereby affirmed and the appeal is dismissed in so far as it relates to appellant Nos.2 and 3.

(Sanjay Priya, J)

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