

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3279 of 2018

Arising Out of PS.Case No. -40 Year- 2017 Thana -SC/ST District- SASARAM (ROHTAS)

- =====
1. Lav Kush Rai
 2. Shankar Ji Rai Both sons of Shyam Narayan Rai resident of village - Tarawan, P.S. Nasari Ganj, District Rohtas at Sasaram.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimal Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-10-2018

Heard learned 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 the refusal of prayer for anticipatory bail vide order dated 30.07.2018 passed by learned Additional Sessions Judge 1st, Rohtas at Sasaram, in Registered Case No. 164 of 2017, arising out of SC/ST Dehri Police Station Case No. 40 of 2017, registered under Sections 147/148/149/323/379/307/341/504/506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(e)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Considering the nature of allegation disclosed in the FIR, which is supported by the eyewitnesses before the police, in my view,



prima facie offences under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellants are made out. There is no material to substantiate malicious prosecution. Hence, in my view, there is no merit in this appeal against refusal of anticipatory bail.

Accordingly, the appeal stands dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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