

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.402 of 2018

Arising Out of PS.Case No. -189 Year- 2016 Thana -PARSA District- SARAN

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1. Birendra Rai S/o Late Janak Rai, R/o Village- Antani Mothiya, P.S.- Parsa,
District- Saran at Chapra. Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Sharma, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-05-2018

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 2nd Additional District and Sessions Judge, Saran at Chapra in connection with Parsa P.S.Case No. 189 of 2016 registered under Sections 342,323,504 and 34 of the Indian Penal Code, Section 3(i)(xi) of the Scheduled Castes and Scheduled Tribes Act as well as Sections 3/4 of Prevention of Witch (Daain) Practices Act, 1999.

Allegation against the appellant and two other co-accused, who have been allowed regular bail, is that they entered into the house of the informant committed abuse by taking caste name and assaulted with Lathi alleging that the informant is a witch.



Considering the nature of allegation, the specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is applicable against the appellant. Hence, there is no reason to interfere with the impugned order, whereby prayer for anticipatory bail has been refused.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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