

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.747 of 2018

Arising Out of PS.Case No. -35 Year- 2017 Thana -PAUTHU District- AURANGABAD

- =====
1. Tetar Yadav @ Barun Yadav, S/o Munarik Yadav
 2. Munarik Yadav, S/o Late Raghunandan Yadav
 3. Lallu Yadav @ Lalu Yadav, S/o Munarik Yadav
 4. Chanarik Yadav @ Chandarik Yadav, S/o Late Raghunandan Yadav
 5. Ranjan Yadav, S/o Indradeo Yadav, All resident of Village- Saira, Police Station- Pouthu, District- Aurangabad (Bihar).

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Tej Narayan Singh, Adv
	:	Mr. Vikramdeo Singh, Adv
For the Respondent/s	:	Smt. Usha Kumari No-1, SPP
For the Informant	:	Mr. Manish Kumar No.13, Adv.
	:	Mr. Rohit Kumar, Adv.

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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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Aurangabad in connection with Pouthu P.S.Case No. 35 of 2017 registered under Sections 341,323,504/34 of the Indian Penal Code as well as under Section 3 of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the appellants allegedly stopped



the family members of the informant from entering into the premise of the temple to Worship and allegedly abused by taking caste name etc.

Learned counsel for the appellants submits that there is delay of about 68 days in lodging of the FIR. The female members of the family of the informant, who were allegedly obstructed by the appellants from entering into the temple, have not been examined by the police. Hence, whole prosecution appears to be an afterthought and concocted one.

Learned counsel for the informant submits that two independent witnesses have supported the allegation as eye witness of the occurrence.

Considering the nature of allegation against the appellants bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is applicable. 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
Uploading Date	04.05.2018
Transmission Date	04.05.2018

