

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.388 of 2018

- =====
1. Lokraj Prasad son of Late Tilak Raut
 2. Pawan Kumar son of Lokraj Prasad Both are residents of village - Gamariya Kala, P.S. - Darpa, District - East Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 09-03-2018

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 by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), East Champaran, Motihari, in connection with Darpa Police Station Case No.76 of 2017 registered under Sections 341/323/328/307/379/504/34 of the Indian Penal Code and Section 3(1)(a)(r)(C) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

A perusal of the FIR would reveal that the bar under Section 18 of the Act is applicable. Hence, this appeal against the refusal of anticipatory bail is not maintainable.



Submission is that the parties have entered into a compromise. After compromise the fate of the trial is known and result of the trial is also known.

There is no reason that the Court-below would prefer to send the appellants to jail as under trial prisoner in the event of surrender of the appellants.

Accordingly, the appeal stands disposed of.

(Birendra Kumar, J)

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