

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1040 of 2019**

Arising Out of PS. Case No.-41 Year-2018 Thana- SC/ST District- East Champaran

1. Akash Jha, Son of Nawal Kishoe Jha
2. Prem Mukhiya Son of Late Jugeshwar Mukhiya
3. Lalchuni Devi Wife of Musafir Mukhiya,
4. Bindu Devi Wife of Prem Mukhiya
5. Punya Kali Devi Wife of Late Jugeshwar Mukhia

All Resident of Village - Barhara Siwan, P.s.- Dhaka, Distt.- East Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Parasmani
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 28-03-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 31.01.2019 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in ABP No. 3635 of 2018 arising out of Motihari SC/ST P.S.Case No. 41 of 2018 registered under Sections 323, 341,354B, 379, 504 and 506/34 of the Indian penal Code and Sections 3(i)(d)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per FIR is that appellants entered into the



house of the informant and assaulted and abused her.

Submission of learned counsel for the appellants is that so far appellant no. 1 is concerned, no specific allegation has been attributed against him and so far other appellants are concerned, except appellant no. 2, all other are ladies and the informant is in habit of lodging such type of cases which have been mentioned in para-3 of the appeal and in those cases final form has been submitted.

Heard learned Spl. P.P also who has opposed the prayer for anticipatory bail of the appellants.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the appellants rather they should surrender within a period of six weeks from the date of receipt of a copy of this order and make prayer for regular bail, which shall be considered and disposed of on the basis of material available on record merit without being prejudiced by this order, if possible, on the same day.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

