

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2351 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- LAUKAHA District- Madhubani

1. Diwakar Kumar @ Diwakar Yadav @ Diwakar Kumar Yadav Son of Surendra Prasad Yadav @ Surendra Yadav Resident of Village - Birpur, P.S.- Lalmaniya O.P., District- Madhubani.
2. Prabhakar @ Prabhakar Yadav Son of Surendra Prasad Yadav @ Surendra Yadav Resident of Village - Birpur, P.S.- Lalmaniya O.P., District- Madhubani.
3. Shabar Kumar Yadav @ Saber Yadav Son of Surendra Prasad Yadav @ Surendra Yadav Resident of Village - Birpur, P.S.- Lalmaniya O.P., District- Madhubani.
4. Jitan Yadav Son of Rajendra Yadav @ Rajendra Prasad Yadav Resident of Village - Birpur, P.S.- Lalmaniya O.P., District- Madhubani.
5. Devendra Prasad Yadav @ Dev Yadav @ Devendra Yadav Son of Rajendra Yadav @ Rajendra Prasad Yadav Resident of Village - Birpur, P.S.- Lalmaniya O.P., District- Madhubani.
6. Rajendra Yadav @ Rajendra Prasad Yadav Son of Late Ram Lal Yadav @ Rajeshwar Yadav Resident of Village - Birpur, P.S.- Lalmaniya O.P., District- Madhubani.
7. Lal Babu Thakur @ Lal Babu Sharma Son of Bilat Thakur @ Biltu Thakur Resident of Village - Birpur, P.S.- Lalmaniya O.P., District- Madhubani.
8. Ram Babu Thakur Son of Bilat Thakur @ Biltu Thakur Resident of Village - Birpur, P.S.- Lalmaniya O.P., District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anand Prakash Prabhakar
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

5 20-11-2019 Heard learned counsel appearing for appellants as well as learned Special Public Prosecutor for State.

The appellants are aggrieved by the impugned order dated 18.4.2019 passed by learned 1st Additional Sessions



Judge, Madhubani in A.B.P. No. 546 of 2019 by which and whereunder he rejected the anticipatory bail application of the appellants.

The accusation against the appellants is that they along with other FIR named accused assaulted the informant and others and also humiliated her by calling her caste name and also threatened her to drive from village.

Learned counsel appearing for appellants submits that no case under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as “the SC ST Act”) is made out against the appellants and so far as the remaining Sections of Indian Penal Code are concerned, no offence under the provision of Indian Penal Code is made out against the appellants.

On the other hand, learned Special Public Prosecutor opposed the prayer pointing out that the first information report goes to show that the appellants and others humiliated the informant by calling her caste name and also by giving threatening to oust her from village, therefore, in the aforesaid circumstance, in view of Section 18 of SC ST Act, anticipatory bail petition is not maintainable.

Regard being had to the above stated facts and



circumstances as well as submissions of the parties, this criminal appeal stands dismissed. However, the appellants are directed to surrender before the trial court/concerned court within six weeks from the date of communication of this order to the concerned court and if they do so and seek regular bail, the concerned court shall pass appropriate order on the bail prayer of the appellants in accordance with law, without being prejudiced by this order, on the day of surrender of the appellants itself.

(Hemant Kumar Srivastava, J)

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