

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2847 of 2019**

Arising Out of PS. Case No.-122 Year-2019 Thana- PALIGANJ District- Patna

- 
1. Lalu Yadav @ Lallu Yadav (male) aged about 40 years, Son of Mithilesh Yadav Resident of Village - Lalganj Sehra, P.S.- Paliganj, Distt - Patna.
  2. Indrajeet Yadav (male), aged about 45 years, Son of Late Chhotan Yadav Resident of Village - Lalganj Sehra, P.S.- Paliganj, Distt - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

---

**Appearance :**

For the Appellant/s : Mr.

For the Respondent/s : Mr.

---

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

**ORAL JUDGMENT**

**Date : 16-11-2019**

Heard learned counsel for the appellants. Nobody appears on behalf of the State.

2. The appellants apprehend arrest in connection with Paliganj PS Case No. 122 of 2019 dated 04.04.2019 instituted under Sections 302/34 of the Indian Penal Code and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'Act').

3. Basically, the allegation against the appellants is of assault on the informant who belongs to the Scheduled Caste category and the further allegation is that due to the same, he was hospitalized, where he passed away.



4. Having regard to the fact that allegation of assault has been made in the FIR, in the considered opinion of the Court, in view of bar of Section 18 of the Act, petition under Section 438 of the Code of Criminal Procedure, 1973 would not be maintainable.

5. In view thereof, the application stands dismissed.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

|          |  |
|----------|--|
| AFR/NAFR |  |
| U        |  |
| T        |  |

