

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2864 of 2019

Arising Out of PS. Case No.-83 Year-2018 Thana- SC/ST District- Nalanda

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Fulmat Devi @ Sumantri Devi aged about 65 years Wife of Kailu Yadav @ Kailash Yadav Resident of Village- Harprasad Bigha, P.S.- Ben, District- Nalanda at Biharsharif.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 16-11-2019

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

2. The appellant apprehends arrest in connection with SC/ST PS Case No. 83 of 2018 instituted under Sections 147, 148, 149, 341, 342, 323, 326, 307, 325, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s) and 3(2) (v) (a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the ‘Act’).

3. As per the allegation, the appellant along with five others had assaulted the informant and her husband and had also abused them by taking caste name.



4. Having regard to the aforesaid, where *prima facie* allegation under the Act is made out, in the considered opinion of the Court, bar under Section 18 of the Act would apply and, thus, petition under Section 438 of the Code of Criminal Procedure, 1973, would not be maintainable.

5. For reasons aforesaid, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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