

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4230 of 2019

Arising Out of PS. Case No.-298 Year-2018 Thana- FATEHPUR District- Gaya

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1. SUDAMA KUMAR @ SUDAMA PRASAD YADAV Son of Vishundhari Yadav Resident of Village - Mochrak, P.S.- Fatehpur, Dist.- Gaya.
 2. Dinanath Yadav Son of Vishundhari Yadav Resident of Village - Mochrak, P.S.- Fatehpur, Dist.- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Anand, Adv
For the Respondent/s : Mr.Usha Kumari 1, Spl.APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-12-2019

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 14.08.2019 in A.B.P. No.215 of 2019 passed by the learned Exclusive Special Judge SC/ST, Gaya in connection with Fatehpur P.S.Case No. 298 of 2018 registered under Sections 341,323,324,308,504,34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

As per FIR when the informant was carrying back the Doctor who had come to the house of the informant to see



his wife, the named person including the appellants allegedly committed assault at about the mid-night.

Learned counsel for the appellants submits that the mother of the informant has been examined by the police and she has stated that the appellants did nothing rather they were just standing-by at the time of occurrence. The Doctor, who was alongwith the informant, has not been examined by the police.

Since prima facie allegation of commission of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is disclosed in the FIR, the trustworthiness of the allegation cannot be examined in an application for anticipatory bail because the same is not maintainable in view of the bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Therefore, I am not inclined to interfere with the impugned order and this appeal stands dismissed.

In the event of surrender of the appellants and prayer for regular bail, their prayer shall be considered without being prejudiced by this order and on its own merits including the



fact that the mother of the informant has not supported that the appellants had participated in the occurrence.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.12.2019
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