

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4077 of 2019

Arising Out of PS. Case No.-109 Year-2018 Thana- RIGA District- Sitamarhi

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1. JAI NARAYAN RAI Son of Late Dorai Rai
 2. Hari Narayan Rai Son of Late Dorai Rai
 3. Hansh Lal Rai @ Hans Lal Rai @ Hans Lal Yadav Son of Late Amiri Lal Rai .
 4. Lal Babu Rai @ Lal Babu Yadav Son of Late Amiri Lal Rai
All are Resident of Village - Posua Buniyadi Tola, P.S.- Riga, Dist.- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alok Kumar Alok, Adv
For the Respondent/s : Mr.Sadanand Paswan, Spl.APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 05-12-2019

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 07.02.2019 in A.B.P. No.2103 of 2018,573/2018 passed by the learned A.D.J.-I-cum-Special Judge SC/ST, Sitamarhi in connection with Riga P.S.Case No. 109 of 2018 registered under Sections 447,323,504/34 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes Act.



The FIR prima facie discloses commission of offence of abuse and assault on 18.02.2018 to a member of the scheduled caste.

Learned counsel for the appellants submits that FIR itself would reveal that land dispute is reason for allegation. One of the appellants is aged about 82 years and the allegation is general and omnibus.

The aforesaid issue can be looked into only when the prayer for anticipatory bail would be maintainable after bar created under Section 18 and 18(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Since allegation is disclosed against the appellants and learned court below has refused the prayer for anticipatory bail on the ground of maintainability, I am not inclined to interfere with the same.

Accordingly, this appeal is dismissed as devoid of any merit.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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