

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4334 of 2019**

Arising Out of PS. Case No.-45 Year-2019 Thana- BHAGWANPUR District- Kaimur  
(Bhabua)

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1. TENGAR YADAV Son of Late Lotan Yadav
  2. Ramvilash Yadav Son of Late Ram Naresh Yadav
  3. Radha Yadav @ Radhe Yadav Son of Late Lotan Yadav
  4. Mahendra Yadav Son of Late Vikram Yadav
  5. Pappu Yadav Son of Bigau Yadav
  6. Bigau Yadav Son of Late Lotan Yadav
  7. Shiv Yadav Son of Pratap Yadav, All Resident of Village- Makari Khoh,  
(Padari), P.S.- Bhagwanpur, District- Kaimur at Bhabua.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Rajani Kant Pandey, Advocate

For the Respondent/s : Mr. Usha Kumari 1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR  
ORAL JUDGMENT**

**Date : 17-12-2019**

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned Additional Sessions Judge-1-cum-Special Judge, S.C./S.T. (POA) Act, Kaimur at Bhabua in A.B.P. No. 654 of 2019 arising out of Bhagwanpur P.S. Case No. 45 of 2019 registered under Sections 147, 148, 149, 341, 323, 324, 307, 504, 379 of the Indian Penal Code as well as



Sections 3(1)(r)(s) of the SC/ST Act.

Appellant No. 1 Tengar Yadav has already been arrested. Hence, his prayer for anticipatory bail is infructuous now. Accordingly, it stands dismissed as infructuous so far it relates to appellant no. 1.

Allegation against the other appellants is of commission of assault to a member of the scheduled caste. Further allegation is of commission of theft as well.

Since allegation is of commission of offence under the SC/ST Act, the prayer for anticipatory bail is not maintainable.

The learned Special Judge has also considered this aspect of the matter. Therefore, I do not find any merit in this appeal. Accordingly, it stands dismissed.

However, the prayer for regular bail shall be considered without being prejudiced by this order on its own merit considering the fact that there is case and counter case between the parties.

**(Birendra Kumar, J)**

Kundan/-

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