

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4880 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- SC/ST District- Kaimur (Bhabua)

1. Akhileh Sah @ Akhilesh Gupta Son of Binod Sah @ Binod Kumar Gupta Resident of Village- Pusauli, P.S- Mohania, District- Kaimur (Bhabua).
2. Binod Sah @ Binod Kumar Gupta Son of Late Ramdeni Sah Resident of Village-Pusauli, P.S-Mohania, District-Kaimur (Bhabua).
3. Monu Sah @ Manu Sah Son of Late Ramdeni Sah Resident of Village-Pusauli, P.S-Mohania, District-Kaimur (Bhabua).
4. Shila Devi @ Dharamshila Devi Wife of Monu Sah Resident of Village-Pusauli, P.S-Mohania, District-Kaimur (Bhabua).
5. Manorma Devi @ Manorma Kuwer Wife of Late Devraj @ Late Satyadev Sah Resident of Village-Pusauli, P.S-Mohania, District-Kaimur (Bhabua).
6. Maya Devi Wife of Devraj Sah Resident of Village-Pusauli, P.S-Mohania, District-Kaimur (Bhabua).
7. Sonu Sah @ Sonu Kumar Gupta Son of Late Satyadev Sah Resident of Village-Pusauli, P.S-Mohania, District-Kaimur (Bhabua).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pawan Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 16-12-2019

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 against the refusal of prayer for anticipatory bail by order dated 24.09.2019 in A.B.P.No.966 of 2019 by the learned Additional Sessions Judge-I-cum-Special Judge, Kaimur at Bhabua in connection with SC/ST (Bhabua)



P.S.Case No.09 of 2019 under Sections 341, 323, 354, 379, 325, 452 and 504/34 of the Indian Penal Code and Sections 3(i)(r)(s) (w), 3(2)(va) of SC/ST (Prevention of Atrocities) Act.

Since perusal of the FIR makes out a case of offence committed under the provisions of SC/ST (Prevention of Atrocities) Act for the reason that there is allegation of commission of abuse by taking caste name as well as commission of assault, therefore, prayer for anticipatory bail is not maintainable.

In that view of the matter, this Court is not inclined to interfere with the impugned order of refusal of prayer for anticipatory bail, hence, this appeal is dismissed as devoid of any merit.

However, in the event of surrender of the petitioners, the prayer for regular bail shall be considered without being prejudiced by this order and also considering the fact that there is case and counter case and the parties have entered into a compromise, therefore, fate of the trial is known to all.

(Birendra Kumar, J)

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