

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4591 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- HATHAURI District- Muzaffarpur

1. Jitendra Mahto, age about 40 years, Male, Son of Late Ramashish Mahto Resident of Village - Madhepura, P.S. - Hathauri, District - Muzaffarpur
2. Pinki Devi, aged about 40 years, Female, Wife of Rajendra Mahto Resident of Village - Madhepura, P.S. - Hathauri, District - Muzaffarpur
3. Ram Kumar Mahto, aged about 45 years, Male, Son of Late Ramashish Mahto Resident of Village - Madhepura, P.S. - Hathauri, District - Muzaffarpur

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Ganesh Prasad Singh, Advocate
For the Respondent/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 28-11-2019 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 bail by order dated 27.09.2019 in A.B.P.No.2827 of 2019 by the learned Special Judge, SC/ST, Muzaffarpur in connection with Hathauri P.S.Case No.81 of 2019 under Sections 341, 323, 324, 379, 504 and 34 of the Indian Penal Code and Sections 3(i)(x) of SC/ST Act.

There is allegation of commission of abuse by calling caste name, by the appellants as well as commission of assault



besides allegation of commission of theft. The learned Special Judge has refused the prayer for anticipatory bail by order dated 27.09.2019 on the ground that bar under Section 18 of SC/ST(Prevention of Atrocities) Act is applicable.

After hearing the parties and considering the materials on record, I do not find any infirmity in the impugned order in view of the legal bar on the remedy of anticipatory bail, hence this appeal is dismissed as devoid of merit.

(Birendra Kumar, J)

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