

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5362 of 2019

Arising Out of PS. Case No.-24 Year-2016 Thana- SC/ST District- Vaishali

1. RAVINDRA RAI @ RAVINDAR RAI
2. Devendra Rai @ Mindar Rai
Both appellants are sons of Kailu Rai
Both resident of Mohalla-Jadua (Meenapur) Hazipur, Police Station-Town
(Hajipur), District-Vaishali at Hazipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-12-2019

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 18.10.2019 in A.B.P. No.2604 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur arising out of SC/ST Hajipur P.S.Case No. 24 of 2016 registered under Sections 341,323,504,506,385/34 of the Indian Penal Code and Sections 3(i)(r), 3(i)(s) of the Scheduled Castes and Scheduled Tribes Act, 2015.

The appellants allegedly abused and manhandled the informant at the public place to pressurize for transfer of the land.



The occurrence took place on 14.06.2016. New amendment was already in force. Hence, prima facie offence under Scheduled Tribes (Prevention of Atrocities) Act is disclosed in the FIR. The learned Special Judge while refusing the prayer for anticipatory bail has recorded that anticipatory bail is not maintainable in view of the bar under Section 18 of the Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the appellants submits that there is land dispute behind the present false and concocted allegation.

Since anticipatory bail application is itself not maintainable as per the statute, the merit of the case cannot be looked into. Hence, this appeal is dismissed as devoid of any merit.

In the event of surrender of the appellants, prayer for regular bail shall be considered without being prejudiced by this order.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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