

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.25 of 2020

Arising Out of PS. Case No.-109 Year-2019 Thana- AKBARNAGAR District- Bhagalpur

1. KARELAL YADAV
2. Shukla Yadav
3. Jitendra Yadav, All are Sons of Daro Yadav, All are Resident of Village-
Chautra, P.S.- Shambhuganj, District- Banka.
4. Bablu Yadav, Son of Shukhdeo Yadav, Resident of Village - Akbar Nagar,
P.S. - Akbar Nagar, District - Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Jha, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 28-01-2020

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 vide order dated 12.12.2019 in A.B.P. No. 2452 of 2019 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge, Bhagalpur in connection with Akbar Nagar P.S. Case No. 109 of 2019 registered under Sections 341, 323, 307, 504/34 of the Indian Penal Code as well as Sections 3(2) (VA) of the SC/ST Act.

A bare perusal of the FIR apparently discloses that the



appellants committed assault against a member of the scheduled caste (informant).

Since the FIR discloses commission of offence under the provisions of the SC/ST Act, the trustworthiness of the allegation cannot be looked into in an appeal against refusal of the prayer for anticipatory bail on the ground of non-maintainability of application under Section 438 Cr.P.C. in view of the bar under Section 18 of the SC/ST Act.

Likewise, the general and omnibus nature of allegation can also not be looked into in an application for grant of anticipatory bail as it is specifically mentioned in the statute that prayer for anticipatory bail would be barred.

Therefore, I do not find any merit in this appeal against refusal of prayer for anticipatory bail. Accordingly, this appeal stands dismissed.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	01.02.2020
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