

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.87 of 2020

Arising Out of PS. Case No.-336 Year-2019 Thana- PAHARPUR District- East Champaran

1. MITHELESH KUMAR, Son of Rameshwar Singh Resident of Village- Maldahiya, P.S.- Paharpur, District- East Champaran.
2. Brijesh Kumar Son of Rameshwar Singh Resident of Village- Maldahiya, P.S.- Paharpur, District- East Champaran.
3. Subhash Singh Son of Late Shiv Mangal Singh Resident of Village- Maldahiya, P.S.- Paharpur, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar No 7, Advocate.
For the State	:	Mr. Binay Krishna, Spl.PP.
For the Informant	:	Mr. Pramod Kumar Pandey, Advocate.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

3 25-02-2020 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 against the refusal of prayer for anticipatory bail vide order dated 10.12.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), East Champaran at Motihari in A.B.P. No. 3478 of 2019, arising out of Paharpur P.S. Case No. 336 of 2019 registered under Sections 341, 323, 379 and 504/34 of the Indian Penal Code and Sections



3(i)(r)(2)(v)/3(1)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The F.I.R. *prima facie* discloses accusation of commission of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by the appellants. Hence, prayer for anticipatory bail is barred under Section 18 of the Act.

Learned counsel for the appellants has taken the Court towards the evidence of some of the witnesses examined by the police, wherein they stated that informant was himself a man of dubious character and he was himself involved in criminal matters, whereas learned counsel for the informant has drawn attention of the Court towards statement of some of the witnesses, wherein they have supported the allegation as made in the F.I.R.

The conflicting material aforesaid cannot be looked into in an application under Section 438 Cr.P.C. which is apparently not maintainable after accusation of commission of offence under the Act.

Hence, this appeal against the refusal of prayer for anticipatory bail has got no merit. Accordingly, it stands dismissed.



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

(Birendra Kumar, J)

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