

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.128 of 2020

Arising Out of PS. Case No.-27 Year-2018 Thana- SC/ST District- Aurangabad

1. Ragho Yadav Son of Jawahar Yadav Resident of Village - Khairi, P.S.-
Rafiganj, District- Aurangabad (Bihar)
2. Dhananjay Yadav Son of Ragho Yadav Resident of Village - Khairi, P.S.-
Rafiganj, District- Aurangabad (Bihar)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjit Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-01-2020 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 against the refusal of prayer for anticipatory bail by order dated 10.12.2019 in A.B.P.No.1496 of 2019 by the learned Ist Additional District & Sessions Judge-cum-Special Judge (SC/ST) Act, Aurangabad in connection with SC/ST P.S.No.27 of 2018 under Sections 147, 323, 447, 504, 354 and 506 of the Indian Penal Code and Sections 3(i)(r)/3(i)(s)/3(i)(w)(i)/3(2)(va) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

The perusal of complaint based FIR discloses



commission of an offence under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, correctness of the allegation and its trustworthiness cannot be examined while considering the prayer for anticipatory bail for the simple reason that the entertainment of the prayer is statutorily barred. Hence, I am not inclined to interfere with the impugned order of refusal of prayer for anticipatory bail.

Accordingly, this appeal stands dismissed.

However, in the event of surrender of the appellant before the court below, the court below shall pass order without being prejudiced by this order.

(Birendra Kumar, J)

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