

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.123 of 2020

Arising Out of PS. Case No.-73 Year-2019 Thana- SC/ST District- East Champaran

Raj Kumar Prasad Son of Ram Kuer Mahto Resident of Village - Harsidhi
Pakariya, P.S.- Harsidhi, Distt.- East Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

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 06.12.2019 in A.B.P.No.3468 of 2019 by the learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST) Act, East Champaran at Motihari in connection with Motihari SC/ST P.S.Case No.73 of 2019 under Sections 341, 323, 354, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)(w) and (i) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

The FIR, *prima facie*, discloses commission of an offence under Section Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act by the named accused including



the appellant. Hence, prayer for anticipatory bail is barred under the law. The correctness of the statement made in the FIR cannot be looked into to consider the prayer for anticipatory bail in view of the statutory bar, therefore, I do not find any merit in this appeal against refusal of the 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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