

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.220 of 2020**

Arising Out of PS. Case No.-1606 Year-2018 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. CHETAN GUPTA @ KUMAR CHETAN S/o Late Narendra Gupta
2. Rajeev Ranjan @ Rajiv Ranjan @ Banti Gupta S/o Late Devendra Gupta,
both are R/o Mohalla- Barabazar, Churipatti, P.S.- Katihar, District- Katihar
... .. Appellant/s

Versus

1. The State of Bihar
2. Ghanshyam Mndal S/o Late Ram Nath Mandal R/o Mohalla- Shanti Tola,
P.S.- Katihar, District- Katihar
... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjeev Kumar, Adv
	:	Mr.Priya Ranjan, Adv
For the Respondent/s	:	Mrs.Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 21-01-2020

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 13.11.2019 in A.B.P. No.95 of 2019 passed by the learned Additional Sessions Judge 1st -cum-Special Judge, Katihar in connection with Complaint Case No. 1606 of 2018 registered under Section 323 of the Indian Penal Code and Sections 3(i)(s) of the Scheduled Castes and Scheduled Tribes Act.

The complaint petition discloses commission of offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by the appellants, hence, prayer for



anticipatory bail is not maintainable in view of the bar contained in Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act which reads as follows:

“Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.”

In view of the aforesaid provision, the correctness and genuineness of the allegation cannot be looked into in an application for anticipatory bail.

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

However, in the event of surrender of the appellants, prayer for regular bail shall be considered without being prejudiced by this order and considering the land dispute as background of the allegation as well as the fact that there is case and counter case between the parties.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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