

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.408 of 2020**

Arising Out of PS. Case No.-763 Year-2019 Thana- MASAUDHI District- Patna

1. ARUN BIND Son of Jhigan Bind
 2. Satyendra Kumar @ Satyendra Bind Son of Arun Bind
 3. Shivamani Devi Wife of Arun Bind
 4. Mallu @ Shailendra Bind Son of Arun Bind
- All are Resident of Village- Ganesh Tola, P.S.- Masaurhi, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shakti Suman Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, SPP

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

2 29-01-2020 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 vide order dated 07.01.2020 by the learned 8th Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Patna, in A.B.P. No.62 of 2020, arising out of Masaurhi Police Station Case No.763 of 2019, registered under Sections 341/342/323/307/448/504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR prima facie discloses commission of offence



under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by the appellants.

Hence, this appeal against refusal of prayer for anticipatory bail is not maintainable for simple reason that application 438 Cr.P.C. itself is not maintainable in view of the bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

If the application for anticipatory bail is itself not maintainable, it cannot be argued, in an application under Section 438 Cr.P.C., that the allegation is due to some ulterior motive for other differences between the parties or the fact that allegation is general and omnibus.

Hence, I am not inclined to interfere with the order impugned. Accordingly, it is dismissed.

(Birendra Kumar, J)

Mkr./-

U		T	
---	--	---	--

