

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.423 of 2020**

Arising Out of PS. Case No.-117 Year-2019 Thana- HATHAURI District- Muzaffarpur

1. Manish Sahani Son of Mahendra Sahani
2. Bhisam Sahni @ Bhism Kumar Sahani Son of Rameshwar Sahani
Both Resident of Village - Manki, P.S.- Hathauri, Dist.- Muzaffarpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Parasmani, Advocate
For the Respondent/s	:	Mrs.Usha Kumari 1, SPP

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

2 31-01-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Special Judge, SC/ST Act, Muzaffarpur, in connection with Hathauri Police Station Case No.117 of 2019 registered under Sections 341/342/323/325/354/379/504/506/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

A bare perusal of the FIR discloses accusation of commission of offence under the provisions of Section 3(2)(Va) read with schedule attached to the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, 1989. Hence, the prayer for anticipatory bail is not maintainable in view of the bar under Section 18 of the Act.

Therefore, this appeal against the refusal of prayer for anticipatory bail especially on the ground of non-maintainability by the learned Special Judge, Muzaffarpur is dismissed as devoid of any merit.

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

(Birendra Kumar, J)

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