

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2712 of 2017**

Arising Out of PS. Case No.-116 Year-2017 Thana- GORIAKOTHI District- Siwan

Muktinath Singh, Son of Late Laxmi Rai, R/o Village + P.O. and P.S.-
Goreyakoti, District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajendra Ram, Son of Late Rajbali Ram R/O village- Goreyakothi, P.S-
Goreyakothi, District - Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shubh Narain Singh, Advocate.
For the Respondent/s : Mr.Smt Usha Kumari No-1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

10 06-02-2020 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 02.08.2017 by the learned 1st Addl. Sessions Judge, Siwan in Goreyakothi P.S. Case No. 116 of 2017 registered under Sections 354, 354B, 406, 323 and 504 of the Indian Penal Code and Sections 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The complaint petition discloses that the appellant committed abuse by taking caste name as well as assault against



the complainant. Hence, prima facie accusation of commission of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is there. Therefore, prayer for anticipatory bail is barred under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Hence, I do not find any merit in this appeal against the refusal of prayer for anticipatory bail. Accordingly, it stands dismissed.

However, in the event of surrender of the appellant, his prayer for regular bail shall be considered by the court below without being prejudiced by this order.

(Birendra Kumar, J)

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