

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2805 of 2019**

Arising Out of PS. Case No.-172 Year-2019 Thana- MADHUBANI TOWN District-
Madhubani

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1. SATYA NARAYAN YADAV @ SATYA NARAYAN
 2. Pramod Yadav
 3. Dilip Yadav, All Sons of Ramdeo Yadav
 4. Sanjay Yadav @ Sanjay Kumar
 5. Ajay Yadav, Both are Sons of Satya Narayan Yadav
 6. Pawan Yadav @ Pawan Kumar S/o Dilip Yadav
 7. Lalita Devi W/o Dilip Yadav, All R/o village- Fatehpur, P.S.- Town
Madhubani, District- Madhubani

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ratanakar Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

9 18-02-2020 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 14.06.2019 in A.B.P. No. 868 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with Madhubani Town P.S. Case No. 172 of 2019 registered under Sections 341, 323, 324, 307, 354(B)/34 of the Indian Penal Code as well as Sections 3(i)(r)(ii)(v)(a) of the SC/ST Act.



The FIR, prima facie, discloses commission of offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, hence, prayer for anticipatory bail is barred under Section 18 of the Act. Therefore, it cannot be argued in this appeal against refusal of the prayer for anticipatory bail that allegation is in the background of land dispute between the parties and there is case and counter case or the fact that there is no specific allegation against some of the appellants. Therefore, this appeal against refusal of the prayer for anticipatory bail 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.

(Birendra Kumar, J)

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