

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3177 of 2019

Arising Out of PS. Case No.-715 Year-2018 Thana- CHAPRA TOWN District- Saran

1. Chandan Rai Son of Chandeshwar Rai Resident of Mohalla - Bara Telpa, P.S.- Town, Dist.- Saran.
2. Nitesh Rai @ Nitish Kumar Rai Son of Chandeshwar Rai Resident of Mohalla - Bara Telpa, P.S.- Town, Dist.- Saran.
3. Chanu Rai @ Channu Kumar Rai @ Chunnu Rai @ Channu Kumar Son of Nageshwar Rai Resident of Mohalla - Bara Telpa, P.S.- Town, Dist.- Saran.
4. Bhola Ray @ Bhola Rai Son of Nageshwar Rai Resident of Mohalla - Bara Telpa, P.S.- Town, Dist.- Saran.

... .. Appellant/s

Versus

The State of Bihar through the special P.P. (SC & ST) govt. of Bihar ,Patna
Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

7 19-02-2020 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 07/02/2019 by the learned Special Judge (SC & ST)-cum- 1st Additional Sessions Judge, Saran at Chapra in A.B.P. No. 4390 of 2018, arising out Town P.S. Case No. 715 of 2018 registered under Sections 341, 323, 324, 504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act,1989.

There is delay of 69 days in filing this appeal under Section 14(A) of the SC/ST (Prevention of Atrocities) Act against refusal of the prayer for grant of anticipatory bail by the learned Special Judge.

The delay is explained in I.A. No. 2 of 2019. Hence, the delay is condoned.

The F.I.R. prima facie discloses accusation of commission of offence under Section Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, hence, prayer for anticipatory bail is not maintainable in view of bar under Section 18 of the Act.

Therefore, this appeal against refusal of 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 by the court below without being prejudiced by this order.

(Birendra Kumar, J)

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