

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3602 of 2019**

Arising Out of PS. Case No.-77 Year-2018 Thana- SC/ST District- Darbhanga

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1. Pradeep Mandal @ Pradeep Kumar Mandal Son of Harish Chandra Mandal @ Hari Mandal
 2. Harischandra Mandal @ Hari Mandal Son of Late Prabhu Mandal
Both Resident of Village - Neuri, P.S.- Biraul, Dist.- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Barun Kumar Choudhary, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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

Date : 06-01-2020

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 bail vide order dated 16.07.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Darbhanga, in A.B.P. No. 931 of 2019, arising out of Darbhanga SC/ST Police Station Case No.77 of 2018, registered under Sections 341/323/504/324/379/34 of the Indian Penal Code and Sections 3(1)(r)/3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Allegation against the appellants is that on 31.08.2018 when the informant was on the way carrying fodder on his head the appellants suspected that the fodder was from their land whereas the informant was insisting that he had cut the same from the Gairmajarua land. On that the appellants allegedly abused by taking caste name and they committed assault against the informant as well as against his wife.

Since offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is disclosed in the FIR the court-below was of the view that prayer for anticipatory bail was not maintainable.

I do not find any illegality or impropriety with the impugned order. Hence, this appeal stands dismissed as devoid of any merit.

However, in the event of surrender of the appellants, their prayer for regular bail shall be considered without being prejudiced by the fact that the prayer for anticipatory bail was refused to the appellants.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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