

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3584 of 2019**

Arising Out of PS. Case No.-37 Year-2017 Thana- SC/ST District- Darbhanga

1. CHOTTAI MUKHIYA
2. Horeel Mukhiya
3. Arun Mukhiya
4. Mannu Mukhiya @ Manno Mukhiya
All four appellants are sons of Dular Chand Mukhiya
5. Dular Chand Mukhiya Son of Late Thako Mukhiya
All above named appellants are residents of Village- Shishauni, P.S.- Biraul,
District- Darbhanga.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar Jha, Advocate
For the Respondent/s : Mr.Sadanand Paswan, SPP

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

6 13-02-2020 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 Additional Sessions Judge-I, Darbhanga, in connection with Darbhanga SC/ST Police Station Case No.37 of 2017, registered under Sections 147/148/149/448/427/379/324/325/354/504/506 of the Indian Penal Code and Section 3(i)(r)(s)/3(i)(s)/3(i)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989.

The appellants are co-villagers of the informant. On 17.06.2017 the informant had gone to attend the call of nature towards river side. At the same time appellant Mannu Mukhiya and Horeel Mukhiya attempted to sexually assault her. The informant anyhow escaped and came to her house and made complaint to their family members. Thereafter, all the appellants came to the house of the informant and committed abuse and assault to different family members. There is allegation of commission of theft of ornaments also from the informant.

Learned counsel for the appellants submits that the entire concocted allegation is due to dispute arising out of use of path. Moreover, there is delay of fourteen days in lodging of the FIR. The witnesses examined by the police have not supported the allegation.

I have gone through the case-diary, prima facie accusation is there against all the appellants of commission of assault against a co-villager, who is a member of scheduled caste. Hence, offence under Sections 3(2)(va) of the SC/ST Act is made out even in absence of injury report. Other allegations against appellant Mannu Mukhiya and Horeel Mukhiya are also



made out. Therefore, prayer for anticipatory bail is barred under Section 18 of the SC/ST Act.

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

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

(Birendra Kumar, J)

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