

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3673 of 2019

Arising Out of PS. Case No.-125 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

1. SUNIL YADAV Son of Rajo Yadav
2. Shambhu Yadav Son of Krishna Yadav
3. Mahendra Yadav Son of Late Kuldeep Yadav
4. Sharwan Kumar Son of Anil Yadav
5. Alakhdeo Yadav Son of Later Kuldeep Yadav
6. Dashrath Yadav Son of Balo Yadav
All Resident of Village - Sakardiha, P.S.- Mufassil, Dist.- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Verma, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 21-01-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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-cum-Special Judge, Nawada, in connection with Muffasil Police Station Case No.125 of 2019 registered under Sections 147/149/341/323/324/308/504/506 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



The FIR prima facie discloses commission of offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, for the purpose of consideration of this prayer for anticipatory bail.

In view of the language of Section 18 of the SC/ST Act which bars entertainment of application under Section 438 Cr.P.C. when there is accusation of commission of offence under the Act, in my view, this appeal against refusal of the prayer for anticipatory bail by the learned Special Judge, Nawada, has no any merit. Accordingly, it stands dismissed.

However, in the event of surrender of the appellants the prayer for regular bail shall be considered on its on merit without being prejudiced by the order of this Court as well as considering the fact that there is case and counter case and allegation is general and omnibus of commission of assault by the appellants.

Accordingly, the appeal stands dismissed.

(Birendra Kumar, J)

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