

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3702 of 2019

Arising Out of PS. Case No.-89 Year-2018 Thana- SC/ST District- Rohtas

1. RAHUL MAHTO Son of Dasarath Mahto
2. Gorakh Mahto @ Vivek Mahto Son of Dasarath Mahto
3. Dasarath Mahto Son of Late Subhag Mahto
All Resident of Village- Akorhi, P.S.- Akorhi Gola, District- Rohtas.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 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 1st Additional Sessions Judge, Rohtas at Sasaram, in connection with Dehri SC/ST Police Station Case No.89 of 2018, registered under Sections 341/323/307/379/504/506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

A bare perusal of the FIR makes out a case against the appellants of commission of offence under Section 3(2)(Va)



read with schedule attached to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Hence, prayer for anticipatory bail is not maintainable in view of the bar under Section 18 of the Act. Therefore, it cannot be argued in an application for anticipatory bail that there is delay of five days in lodging of the FIR especially when the informant is an illiterate person.

Accordingly, this appeal against refusal of prayer for anticipatory bail stands dismissed as devoid of any merit.

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

(Birendra Kumar, J)

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