

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3703 of 2019**

Arising Out of PS. Case No.-53 Year-2019 Thana- CHAKAND District- Gaya

1. BUDI YADAV Son of Dropati Yadav @ Deopati Yadav
2. Rajnish Yadav Son of Dropati @ Deopati Yadav
Both Resident of Village- Madan Bigha, P.S.- Chakand, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sunil Kumar Yadav, Adv
For the Respondent/s	:	Mr.Sadanand Paswan, APP

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

7 24-02-2020 Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 16.07.2019 in A.B.P. No.173 of 2019 passed by the learned Exclusive Special Judge SC/ST, Gaya in connection with Chakand P.S.Case No. 53 of 2019 registered under Sections 341,342,354,307,379,447,504,506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

The FIR prima facie discloses commission of assault by the appellants against a member of scheduled caste who is the co-villager of the appellants. Therefore, prima facie



accusation of commission of offence under Section 3(2)(va) read with the Schedule of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is there. Hence, prayer for anticipatory bail is barred under Section 18 of the Act.

Therefore, this appeal against refusal of the prayer for anticipatory bail is dismissed as devoid of merit.

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

(Birendra Kumar, J)

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