

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3818 of 2019**

Arising Out of PS. Case No.-34 Year-2017 Thana- SC/ST District- Sitamarhi

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1. RAJESH KUMAR @ RAJESH SAH Son of Kapildeo Sah
 2. Sudhir Kumar @ Sudhir Sah Son of Sakaldeo Prasad Sah @ Sakaldeo Sah
 3. Sakaldeo Prasad Sah @ Sakaldeo Sah Son of Late Tilyug Sah
 4. Amaresh Kumar @ Amaresh Sah, Son of Kapildeo Sah, All Resident of Village - Malahi, P.S. - Majorganj, District - Sitamarhi
- Appellant/s
- Versus
- The State of Bihar
- Respondent/s
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Appearance :

For the Appellant/s : Mr. Pushpendra Kumar Singh, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 18-02-2020 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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 08.07.2019 in A.B.P. No. 1124 of 2019/114 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 34 of 2017 registered under Sections 341, 323, 504, 354, 379/34 of the Indian Penal Code as well as Sections 3(1)(s)(w)(i) of the SC/ST Act.

The FIR, prima facie, discloses commission of offence, under Section 3(2)(Va) read with the 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, in an application for anticipatory bail, it cannot be argued that the case is result of the counter case lodged by the appellants' side against the informant and others or the fact that allegation of commission of hurt is general and omnibus. Therefore, I am not inclined to interfere with the impugned order of refusal of prayer for anticipatory bail. Accordingly, this appeal is dismissed as devoid of any merit.

In the event of surrender, prayer for regular bail shall be considered without being prejudiced by this order and on its own merit.

(Birendra Kumar, J)

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