

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3898 of 2019**

Arising Out of PS. Case No.-156 Year-2019 Thana- KAUWAKOL District- Nawada

1. LALAN YADAV S/o Kuldeep Yadav
  2. Lallu Yadav S/o Kuldeep Yadav
- Both are Resident of Village- Nawadih, P.S.- Rupau, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                            |
|----------------------|---|----------------------------|
| For the Appellant/s  | : | Mr. Sheo Kumar Prasad, Adv |
| For the Respondent/s | : | Mr. Sadanand Paswan, APP   |

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

5      13-02-2020      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 02.08.2019 in A.B.P. No.973 of 2019 passed by the learned 1<sup>st</sup> Addl. Sessions Judge, Nawada in connection with Kawakole (Rupau) P.S. Case No. 156 of 2019 registered under Sections 147, 149, 341, 323, 307, 354(B), 448, 379, 504, 506 of the Indian Penal Code and Sections 3(i)(v) of the Scheduled Castes and Scheduled Tribes Act.

The FIR discloses prima facie allegation of commission of assault by the appellants also alongwith others. Hence, offence under Section 3(2)(va) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act is prima facie made out.

Learned counsel for the appellants submits that the allegation is general and omnibus. Allegation of commission of abuse is against co-accused-Guddi Yadav and considering the aforesaid fact a Coordinate Bench of this Court has granted anticipatory bail to co-accused-K.B.Yadav and Rabi Yadav.

It appears that before Hon'ble Bench which granted bail to K.B. Yadav this fact was not brought to the notice that offence under Section 3(2)(va) read with the Schedule of the Act is prima facie made out.

Considering the aforesaid fact, I am not inclined to enlarge the appellants on anticipatory bail.

Hence, this appeal stands dismissed.

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

**(Birendra Kumar, J)**

Nitesh/-

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