

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3947 of 2019

Arising Out of PS. Case No.-169 Year-2019 Thana- ARA MUFFSIL District- Bhojpur

RADHEY SHYAM SINGH Son of Late Mundrika Singh Resident of Village-
Basantpur, P.S.- Arrah (M), District- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dineshwar Mishra, Advocate.

For the Respondent/s : Mr.Binay Krishna, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 31-01-2020 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 against the refusal of prayer for anticipatory bail vide order dated 08.08.2019 by the learned 1st Addl. Sessions Judge, Bhojpur at Ara in A.B.P. No. 1530 of 2019, arising out of Ara Muffasil P.S. Case No. 169 of 2019 registered under Sections 147, 148, 323 and 504 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Bare perusal of the F.I.R. discloses specifically commission of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by the appellant, hence prayer for anticipatory bail is not maintainable. Therefore, it



cannot be considered in an application under Section 438 Cr.P.C. that the background of the allegation is counter case lodged by the appellant side.

Hence I do not find any merit in this appeal against the refusal of prayer for anticipatory bail. Accordingly, it stands dismissed.

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

(Birendra Kumar, J)

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