

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4208 of 2019

Arising Out of PS. Case No.-178 Year-2018 Thana- TARAIYA District- Saran

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1. Rohit Kumar Son of Prem Nath Singh Resident of Village - Sangrampur, P.S.- Taraiya, Dist.- Saran at Chapra.
 2. Prem Nath Singh Son of Ramaj Pati Singh Resident of Village - Sangrampur, P.S.- Taraiya, Dist.- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Basant Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

7 13-02-2020 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 against the refusal of prayer for anticipatory bail vide order dated 22.08.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in Taraiya P.S. Case No. 178 of 2018 registered under Sections 341, 323, 307, 379 and 504/34 of the Indian Penal Code and Sections 3(1)(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The F.I.R. *prima facie* discloses accusation of commission of offence under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Hence, prayer for anticipatory bail is not maintainable.

In the aforesaid circumstance, in this appeal against the refusal of prayer for anticipatory bail, it cannot be argued that the Supervising Authority has not found allegation against the appellants true, though case diary reveals that other witnesses of the occurrence have supported the allegation.

Hence, this appeal has got no merit. Accordingly, it stands dismissed.

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

(Birendra Kumar, J)

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