

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4195 of 2019

Arising Out of PS. Case No.-176 Year-2018 Thana- SINGHIYA District- Samastipur

MANOJ MUKHIYA @ MANOJ SAHNI, Son of Late Ram Jatan Mukhiya,
Resident of Village - Kundal, P.S. - Singhia, Dist. - Samastipur (Bihar)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinay Kumar Mishra, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 29-01-2020

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 16.08.2019 in A.B.P. No. 1922 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Samastipur in connection with Singhia P.S. Case No. 176 of 2018 registered under Sections 147, 148, 149, 341, 323, 354, 504, 506, 379, 307 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

The FIR discloses prima facie allegation of commission of offense under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, hence, application under Section 438 Cr.P.C. is not maintainable in view of the bar under



Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Learned Special Judge has also considered this fact in the impugned order. Hence, this appeal has got no merit. Accordingly, it stands dismissed.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	03.02.2020
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