

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4232 of 2019**

Arising Out of PS. Case No.-15 Year-2019 Thana- MAIN P.S. District- Gaya

- 
1. VIKASH KUMAR @ PREM PRAKASH KUMAR Son of Rajbalam Mahto
  2. Prakash Kumar Son of Jitendra Yadav
  3. Sani Kumar Son of Sashibhushan Singh
  4. Kaushal Kumar Son of Raj Kishore Mahato
  5. Ravi Kumar Son of Sarjan Mahto
- ... .. Appellant/s
- Versus
- The State of Bihar
- ... .. Respondent/s
- 

**Appearance :**

For the Appellant/s : Mr.Prithivi Raj Singh, Adv  
For the Respondent/s : Mrs. Usha Kumari No.1, APP

---

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

4      20-02-2020                      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 12.07.2019 in A.B.P. No.167 of 2019 passed by the learned Exclusive Special Judge SC/ST, Gaya in connection with Main P.S.Case No. 15 of 2019 registered under Sections 147,148,149,341,323,307,448,338,379,504,506 of the Indian Penal Code, Section 27 of Arms Act and Sections 3(1)(r) of the Scheduled Castes and Scheduled Tribes Act.

The FIR prima facie discloses commission of offence under Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by the



appellants against the informant and her family members. Therefore, prayer for anticipatory bail is barred under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the appellants submits that some other co-accused have already been allowed anticipatory bail by a Coordinate Bench of this Court in Cr.Appeal (SJ)No.2009 of 2019.

I have carefully gone through that order, it was not brought to the notice of the Court at the time of grant of anticipatory bail to other co-accused that FIR discloses accusation of commission of offence under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act read with the Schedule attached to the Act and therefore prayer for anticipatory bail was not entertainable in view of the bar under Section 18 of the Act.

Hence, this appeal stands dismissed.

In the event of surrender of the appellants, the learned court below shall consider the prayer without being prejudiced by this order according to law.

**(Birendra Kumar, J)**

Nitesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

