

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4244 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- SAHJAHANPUR District- Patna

1. SUBHASH RAM @ SUBHASH PRASAD, Son of Late Raj Kumar Rai
2. Chhoti Kumar @ Jai Prakash Ram Son of Dinesh Ram
3. Lalendra Ram @ Lalendra Kumar Son of Late Raj Kumar Ram, All Resident of Village - Eman Bigha, Kanchanpur, P.S. - Shahjahapur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rang Nath Choubey, Advocate
For the Respondent/s : Mr. Binay Krishna, 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 29.08.2019 in A.B.P. No. 5931 of 2019 passed by the learned 13th Additional Sessions Judge-cum-Special Judge S.C./S.T., Patna in connection with Sahjahanpur P.S. Case No. 45 of 2019 registered under Sections 147, 148, 149, 341, 323, 307, 504 of the Indian Penal Code, Sections 3(i)(R) of the SC/ST Act and Section 27 of the Arms Act.

Since the FIR contains accusation of commission of offence under the provisions of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act and correctness of accusation cannot be looked into in an application under Section 438 Cr.P.C. in view of the bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Hence, this appeal against refusal of prayer for anticipatory bail has got no merit. Accordingly, it stands dismissed.

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

(Birendra Kumar, J)

Kundan/-

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