

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4245 of 2019

Arising Out of PS. Case No.-279 Year-2019 Thana- SARAIYA District- Muzaffarpur

1. SUBHASH KUMAR
2. Sunil Kumar @ Sanny Kumar
3. Sudhir Kumar
4. Manish Kumar, All are Sons of Ram Chandra Sah, All R/o Akilpur Nagar, P.S. - Saraiyya, District - Muzaffarpur.
5. Ramji Sah,
6. Ram Chandra Sah, Both Sons of Bharat Sah
7. Indrasan Devi, Wife of Bharat Sah
8. Dhanarajai Devi @ Dhanarjiya Devi @ Dhanarjiyan Devi, Wife of Ram Chandar Sah, appellant 5 to 8 R/o Akilpur Nagar, P.S.- Saraiyya, District- Muzaffarpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Jha, Advocate
For the Respondent/s : Mr. Usha Kumari 1, 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 08.08.2019 in A.B.P. No. 2356 of 2019 passed by the learned 6th Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Muzaffarpur in connection with Saraiya P.S. Case No. 279 of 2019 registered under Sections



341, 342, 323, 307, 354, 504, 506/34 of the Indian Penal Code as well as Sections 3(i)(r)(s)(w) of the SC/ST Act.

Since FIR, prima facie, discloses commission of offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by the appellant, in my view, this appeal against refusal of the prayer for anticipatory bail is not maintainable.

Since application under Section 438 Cr.P.C. is itself not maintainable in view of the bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the correctness of the allegation, the background of the allegation and general and omnibus nature of allegation cannot be considered in an application under Section 438 Cr.P.C. Therefore, this appeal has got no merit. Accordingly, it stands dismissed.

(Birendra Kumar, J)

Kundan/-

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