

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.4404 of 2019

Arising Out of PS. Case No.-72 Year-2019 Thana- VIDYAPATINAGAR District- Samastipur

1. JHARI RAI @ GANGADHAR RAI @ GANGA PRASAD YADAV @ DHARI RAI @ DHARI RAY Son of Late Tiro Ray Resident of Sherpur Diyara, Police Station- Vidyapati Nagar, District- Samastipur.
2. Ravin Ray @ Naveen Kumar Son of Dhari Ray @ Dhari Rai Resident of Sherpur Diyara, Police Station- Vidyapati Nagar, District- Samastipur.
3. Lakhender Ray Son of Late Kameshwar Ray Resident of Sherpur Diyara, Police Station- Vidyapati Nagar, District- Samastipur.
4. Jagnaath Ray @ Jagarnath Kumar Ray @ Jagarnath Ray Son of Ramlolin Ray Resident of Sherpur Diyara, Police Station- Vidyapati Nagar, District- Samastipur.
5. Bijli Ray @ Vijay Ray @ Vijay Kumar Ray @ Vijli Ray @ Vijji Ray Son of Late Sita Ram Ray Resident of Sherpur Diyara, Police Station- Vidyapati Nagar, District- Samastipur.
6. Rundhir Ray @ Rundheer Kumar Son of Dhari Ray @ Dhari Rai Resident of Shingya, Police Station- Ramdiri, District- Begusarai. Present Address- Village- Sihma, Police station- Matihani, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Zeyaul Hoda, Advocate.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 14-02-2020 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 17.08.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Samastipur in A.B.P. No. 1773 of 2019, arising out of Vidyapati Nagar P.S. Case No. 72 of 2019 registered under Section 302/34 of the Indian Penal Code, Section 27 of the Arms Act and



Sections 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

A bare perusal of the F.I.R. *prima facie* discloses accusation of commission of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by the appellants, hence prayer for anticipatory bail is barred under Section 18 of the Act.

Since application for anticipatory bail is itself barred, the correctness of accusation cannot be looked into in a lighter way unless a clear case of failure of justice is made out as per the judgment of Hon'ble Supreme Court in the case of Prathvi Raj Chauhan Vs. Union of India & Ors. passed in Writ Petition (Civil) No. 1015/2018.

Hence, this appeal against the refusal of prayer for anticipatory bail has got no merit. Accordingly, it stands dismissed as not maintainable.

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

(Birendra Kumar, J)

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