

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4308 of 2019

Arising Out of PS. Case No.-18 Year-2017 Thana- PAKARIBARAW District- Nawada

BINOD YADAV S/o Sri Lalo Yadav R/o Village - Sambe Bishanpur, P.S.-
Warsaliganj, District - Nawadah

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar, Advocate

For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 18-02-2020 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 02.09.2019 in A.B.P. No. 1270 of 2019 passed by the learned Special Judge, Nawada in connection with Spl. Case No. (H)98 of 2017 arising out of Pakaribarawan P.S. Case No. 18 of 2017 registered under Sections 302, 506/34 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(2)(V) of the SC/ST Act.

According to FIR, all the named accused persons including the appellant kidnapped to the informant as well as her husband and took them near Lodipur village and thereafter co-accused Ram Barat Yadav and Shiv Balak caused firearm injury and death of the husband of the informant. The appellant



was allegedly keeping hold on the deceased at the time of occurrence.

Learned counsel for the appellant submits that since no other witness supported the allegation and mobile location of the appellant revealed that he was not present at the time of occurrence. The police submitted final form against the appellant. However, learned court below has taken cognizance differing with the police report.

Since the FIR, prima facie, discloses commission of offence, under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the plurality of witness is not a requirement of law, I am not inclined to interfere with the order of refusal of prayer for anticipatory bail in view of the bar under Section 18 of the Act. Hence, this appeal is dismissed as devoid of any merit.

(Birendra Kumar, J)

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