

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4367 of 2019

Arising Out of PS. Case No.-114 Year-2019 Thana- PARAIYA District- Gaya

DEVENDRA YADAV @ DHARMENDRA YADAV, Son of Rambriksh
Yadav, Resident of Village - Goli, P.S. - Paraiya, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-02-2020

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 27.08.2019 in A.B.P. No. 201 of 2019 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Paraiya P.S. Case No. 114 of 2019 registered under Sections 448, 341, 323, 325, 379, 506/34 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

According to FIR, the appellant and others assaulted to the informant, a member of the scheduled caste, who is co-villager of the appellant.



Learned counsel for the appellant submits that the allegation is general and omnibus. The allegation does not find corroboration from the medical evidence. Some other co-accused have been allowed anticipatory bail by a Coordinate Bench of this Court vide order dated 22.11.2019 passed in Cr. Appeal (SJ) No. 4259 of 2019.

The law is very clear, under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, that when there is accusation of commission of offence under the Act, prayer for anticipatory bail would not be maintainable. If the prayer for anticipatory bail is not maintainable, it cannot be looked into in an application under Section 438 Cr.P.C. that the allegation is not substantiated by medical evidence or the allegation is result of some other dispute between the parties or the fact that there is case and counter case.

In my view, the bar of law is applicable there. Therefore, I am not inclined to interfere with the order of refusal of prayer for anticipatory bail passed by the learned Special Judge. Accordingly, this appeal is dismissed.

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



argument of learned counsel for the appellant pressed herein would
be appreciable.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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