

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4528 of 2019

Arising Out of PS. Case No.-265 Year-2018 Thana- BALIYA District- Begusarai

-
1. DHARO YADAV @ DHARMENDRA YADAV @ DHARMENDRA KUMAR S/o Jaiprakash Yadav @ Prakash Yadav R/o Village- Tulsi Tole Paharpur, Mansoorpur, P.S.- Ballia, Distt.- Begusarai
 2. Ramdhiren Yadav @ Dheeranjana Kumar S/o Jaiprakash Yadav @ Prakash Yadav R/o village- Tulsi Tole Paharpur, Mansoorpur, P.S.- Ballia, Distt.- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam, Advocate.
For the Respondent/s : Mr.Nirmal Kumar Sinha, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 04-02-2020 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 08.07.2019 by the learned 1st Addl. Sessions Judge cum Special Judge, POCSO Act, Begusarai in A.B.P. No. 612 of 2019, arising out of Balia P.S. Case No. 265 of 2018 registered under Sections 341, 323, 504, 354 and 379/34 of the Indian Penal Code, Section 3/4 of the POCSO Act.

Learned counsel for the appellants submits that there is delay of 8 days in lodging of the F.I.R.



Since F.I.R. *prima facie* discloses commission of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act as well as under POCSO Act, hence the prayer for anticipatory bail is barred under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Accordingly, this appeal against the refusal of prayer for anticipatory bail has got no merit and it stands dismissed.

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

(Birendra Kumar, J)

mantreshwar/-

U		T	
---	--	---	--

