

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4800 of 2019

Arising Out of PS. Case No.-209 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

1. RANJEET MAHTO Son of Devanand Mahto
2. Sanjeet Kumar Son of Devanand Mahto
3. Amrendra Mahto Son of Shivnandan Mahto
4. Ran Vijay Mahto @ Ram Vijay Mahto Son of Ram Kishun Mahto @ Ram Vishun Mahto
5. Gautam Mahto Son of Birendra Mahto
6. Sintu Mahto Son of Ram Kishun Mahto @ Ram Vishun Mahto
7. Chandrajeet Kumar @ Chandrajeet Mahto Son of Devanand Mahto
8. Amit Kumar Son of Jag Narayan Mahto, All are Resident of Village- Machhil, P.S.- Makhdumpur, District- Jahanabad.
9. Ajit Mahto Son of Bali Mahto, Resident of Village- Khojpura, P.S.- Makhdumpur, District- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 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 21.08.2019 in A.B.P. No. 976 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Jehanabad in connection with Makhdumpur P.S. Case No. 209 of 2019 registered under Sections 147, 148, 149, 341, 323, 324, 325, 326, 492, 307, 379, 354(B), 504, 506



of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(2)(v) of the SC/ST Act.

The FIR, prima facie, discloses accusation of commission of offence, under Section 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, by the appellants, therefore, prayer for anticipatory bail is not maintainable in view of the bar under Section 18 of the Act.

In the circumstance, it cannot be argued in a prayer for anticipatory bail that allegation is general and omnibus against the appellants or there is case and counter case between the parties. Hence, this appeal against refusal of the prayer for anticipatory bail stands dismissed.

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

(Birendra Kumar, J)

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