

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4513 of 2019

Arising Out of PS. Case No.-502 Year-2019 Thana- MASAUDHI District- Patna

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Kundan Kumar Son of Mahanand Singh Resident of Village- Niyamatpur,
P.S.- Masaudhi, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Param Hansh Singh, Advocate.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

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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 18.09.2019 by the learned Addl. Sessions Judge-XX cum Special Judge (SC/ST Act), Patna in A.B.P. No. 7185 of 2019, arising out of Masaudhi P.S. Case No. 502 of 2019 registered under Sections 141, 149, 341, 323, 504, 354 and 506 of the Indian Penal Code and Sections 3(i)(r)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The F.I.R. *prima facie* discloses accusation of commission of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Submission of learned counsel for the appellant is that false allegation is there as tuition fee of the appellant was due with the informant as appellant had given tuition to the children of the appellant. However, no material is there to substantiate that the appellant is running a coaching center and dues of fee was there in respect of children of the informant.

Considering the facts aforesaid, prayer for anticipatory bail is not maintainable in view of the bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Hence, this appeal against the refusal of prayer for anticipatory bail is dismissed as devoid of any merit.

However, in the event of surrender of the appellant 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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