

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4908 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- BAHERI District- Darbhanga

1. BABU PRASAD MANDAL @ JHARI MANDAL @ BABU PRASAD MANDAR Son of Late Sukhdeo Mandal Resident of Village- Baghauni, P.S.- Baheri, District- Darbhanga.
2. Ram Dayal Mandal Son of Munni Lal Mandal Resident of Village- Baghauni, P.S.- Baheri, District- Darbhanga.
3. Ram Dulari Devi Wife of Late Ram Chandra Mandal Resident of Village- Baghauni, P.S.- Baheri, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pratik Kumar Sinha
For the Respondent/s : Mr.Sadanand Paswan

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 30.08.2019 by the learned 1st Additional Session Judge-cum-Special Judge (SC/ST Act), Darbhanga in A.B.P. No. 1455 of 2019, arising out of Baheri P.S. Case No. 31 of 2019 registered under Sections 341, 342, 354, 379, 504, 34 of the Indian Penal Code and Sections 3(1)(r) (s) 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, inasmuch as there is general and omnibus allegation of commission of abuse and assault.

Therefore, in an application for anticipatory bail, it cannot be argued that present FIR is counter blast to the counter case.

Hence, I do not find any merit in this appeal against the refusal of prayer for anticipatory bail. Accordingly, it stands dismissed.

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

(Birendra Kumar, J)

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