

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4802 of 2019

Arising Out of PS. Case No.-87 Year-2019 Thana- KIUL District- Lakhisarai

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1. MUKHTAR YADAV @ MUKESH YADAV
 2. Ramdas Yadav
Sl.Nos.1 and 2 are Sons of Banarsi Yadav
 3. Suraj Yadav @ Suraj Kumar Son of Mukhtar Yadav @ Mukesh Yadav.
 4. Ashish Yadav @ Ashish Kumar Son of Nandlal Yadav
All are Resident of Village-Lakhochak, P.S-Kiul, District-Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mrigendra Kumar, Adv
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 18-02-2020 Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 16.09.2019 in A.B.P. No.697 of 2019 arising out of Kiul P.S.Case No.87 of 2019 corresponding to SC/ST-65/19 passed by the learned Addl. Sessions Judge 1st -cum-Special Judge SC/ST Act, Lakhisarai registered under Sections 147,148,149,341,323,504,506,307 of the Indian Penal Code, Section 27 of Arms Act and Sections 3(i)(r)(s),3(2)(va) of the Scheduled Castes and Scheduled Tribes 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 against all the appellants, hence, prayer for anticipatory bail is barred under Section 18 of the Act.

The impugned order also reveals that the learned court below was of the view that prayer for anticipatory bail was not maintainable.

Learned counsel for the appellants submits that there is land dispute between the parties. No injury report is there on the record. No firearm was recovered from possession of any of the appellants or from the place of occurrence.

The aforesaid submission cannot be considered in an application for anticipatory bail in view of the bar under the Act.

There is no any evidence of land dispute between the parties.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the entire facts, I do not find any infirmity with the impugned order. Hence, this appeal against refusal of the prayer for anticipatory bail is dismissed as devoid



of any merit.

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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