

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4869 of 2019

Arising Out of PS. Case No.-83 Year-2016 Thana- SC/ST District- Rohtas

RINKU SINGH Son of Mathura Singh Resident of Village - Aliganj, P.O -
Imirata, P.S.- Suryapura, Distt - Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhaneshwar Prasad Gupta, Adv
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 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 24.09.2019 in Registered No.43 of 2017 passed by the learned 1st Additional District and Sessions Judge, Rohtas, Sasaram in connection with SC/ST Dehri P.S.Case No. 83 of 2016 registered under Sections 147, 149, 448, 341, 323, 325, 379, 504, 354 of the Indian Penal Code as well as under Sections 3(i)(r)(s)(w)(i),(ii) of the Scheduled Castes and Scheduled Tribes Act.

The FIR discloses accusation of commission of assault against a member of the scheduled caste by the appellant. Appellant is co-villager of the informant.



Learned counsel for the appellant submits that some other co-accused have been allowed anticipatory bail by this Court on 29.03.2018 vide order at Annexure-3.

On 20.08.2018, the provision relating to anticipatory bail contained in Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was further amended and Section 18(A) was inserted for the first time. Sub-section 2 of Section 18(A) of the Act reads as follows:

“The provision of section 438 of the Code shall not apply to a case under the Act, notwithstanding any judgment or order or direction of any Court.”

Considering the aforesaid amendment, in my view, there is no merit in this appeal against refusal of this prayer for anticipatory bail. Hence, this appeal stands dismissed as devoid of any merit.

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

(Birendra Kumar, J)

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