

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4870 of 2019

Arising Out of PS. Case No.-340 Year-2019 Thana- AKBARPUR District- Nawada

ADITYA KUMAR, Son of Bidyanand Prasad, R/o Village - Farha, P.S. - Akbarpur, District - Nawada.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 24-02-2020 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 19.09.2019 in A.B.P. No. 1286 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Nawada in connection with Akbarpur P.S. Case No. 340 of 2019 registered under Sections 341, 323, 504, 506, 379, 353/34 of the Indian Penal Code as well as Sections 3(i)(r) of the SC/ST Act.

Allegation against the appellant is of commission of assault to a member of the scheduled caste, who is a co-villager. Therefore, offence under Section 3(2)(Va) read with the Schedule of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is made out.



Learned counsel for the appellant submits that there is no injury report on the record. The occurrence took place for land dispute arising out of flowing the drain water.

Since, *prima facie*, accusation of commission of offence, under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is there, the background of allegation cannot not be considered while considering the prayer for anticipatory bail in view of the bar under Section 18 of the Act. Therefore, this appeal against refusal of the prayer for anticipatory bail is dismissed.

However, 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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