

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4932 of 2019

Arising Out of PS. Case No.-158 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. KRISHN DEO RAY Son of Late Awadh Rai Resident of Village- Manna Rai Tole, P.O- Narhan, P.S- Bhibhutipur, District- Samastipur.
 2. Shyam Bharti Son of Krishn Deo Rai Resident of Village-Manna Rai Tole, P.O-Narhan, P.S-Bhibhutipur, District-Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhananjai Kumar Singh, Advocate.
For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 04-02-2020 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 24.09.2019 by the learned 1st Addl. Sessions Judge, Samastipur in A.B.P. No. 2251 of 2019, arising out of Complaint Case No. 158 of 2018 registered under Sections 323, 325, 354 and 504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to complaint petition, complainant was cleaning the vehicle of one Ram Kumar Jee, at the same time, the appellants reached there and committed abuse and assault by



taking caste name of the complainant. Thus, prima facie accusation is there against the appellants of commission of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, hence anticipatory bail is not maintainable under the provisions of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

If the prayer for anticipatory bail is not maintainable, it cannot be argued that the complainant was set up by Ram Kumar Jee and his wife Poonam Jee who are also witnesses of the complaint case. This Court cannot look into the submission that Ram Kumar Jee had lodged criminal case of the same date, but in that case there is no averment that complainant was assaulted by the appellants or that a civil suit is going on between the appellants and Ram Kumar Jee who is son of appellant Krishn Deo Ray.

Aforesaid ground may be good ground for consideration for prayer for regular bail, however bar of anticipatory bail application is apparently attracted.

Hence, this appeal against the refusal of prayer for anticipatory bail has got no merit and accordingly, it stands dismissed.



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

(Birendra Kumar, J)

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