

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5014 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- SC/ST BAGHA District- West Champaran

1. AASIN MIYAN @ YASHIN MIYAN Son of Late Islam Miyan
2. Laddan Miyan @ Ladan Miyad Son of Afroj Miyan
3. Afroj Miyan, Son of Aasin Miyan @ Yashin Miyan
4. Afsari Khatoon @ Afsri Khatoon, W/o Laddan Miyan @ Ladan Miyan, All are Resident of Village - Subhashnagar, Pakwaliya Bharwaliya, P.S.- Semara, Dist. - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 20-02-2020 The appeal has been filed after 16 days of expiry of the limitation period. The delay in filing of this appeal is explained in I.A. No. 01 of 2019. Hence, for substantial justice, the delay is condoned.

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 06.07.2019 in A.B.P. No. 847 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, West Champaran at Bettiah in connection with Bagaha SC/ST P.S. Case No. 06 of 2019 registered under



Sections 147, 341, 323, 324, 354, 427, 504, 506 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w)(i) of the SC/ST Act.

The FIR, *prima facie*, discloses accusation of commission of offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, hence, prayer for anticipatory bail is barred under Section 18 of the Act. Therefore, it cannot be argued that the FIR is in the background of the land dispute and is a retaliation to the counter case lodged by the appellants. Therefore, this appeal has got no merit. Accordingly, it stands dismissed.

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

(Birendra Kumar, J)

Kundan/-

U		T	
---	--	---	--

