

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4754 of 2019**

Arising Out of PS. Case No.-37 Year-2019 Thana- SC/ST District- Gopalganj

1. SHEIKH JAVED HASMI @ SHEIKH ZAWED HASHMI, Son of Jamil Mian @ Jamil Mina
2. Sheikh Jiyauddin @ Sheikh Jiwauddin, Son of Sheikh Imamuddin @ Sheikh Kudrat Mian @ Kudarat Mian, Both are Resident of Village - Shyampur, Amwa, Vijaypur, P.S. - Vishambharpur, Distt - Gopalganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Javed Aslam, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 14-02-2020

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 in A.B.P No. 1586 of 2019 passed by the learned 1st Additional Sessions Judge, Gopalganj (Bihar) in connection with Gopalganj SC/ST P.S. Case No. 37 of 2019 registered under Sections 447, 341, 323, 504, 506/34 of the Indian Penal Code as well as Sections 3(1)(r)(s)(g)/3(2)(va) of the SC/ST (POA) Act.

A bare perusal of the FIR reveals that there is accusation of commission of offence of causing hurt to a member of the scheduled caste. As such, the offence defined under Sections 3(2)



(va) read with the Schedule of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out.

In the circumstance, prayer for anticipatory bail is barred under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Therefore, it cannot be argued that the allegation is in the background of some dispute between the parties from the school days.

Prayer for anticipatory bail is refused.

However, in the event of surrender and on prayer for regular bail by the appellant, the court below shall consider the same without being prejudiced by this order and on its own merit.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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