

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5025 of 2019

Arising Out of PS. Case No.-121 Year-2019 Thana- DHANAHA District- West Champaran

SIKANDAR BIN Son of Late Goga Bin Resident of Village - Narain Sah Ka
Tola Bin Toli Mushhari, P.S.- Dhanaha, District - West Champaran, Bettiah.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Gupta, Adv
For the Respondent/s : Mrs.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 14-02-2020 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 23.09.2019 in A.B.P. No.2060 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, West Champaran, Bettiah in connection with Dhanaha P.S.Case No. 121 of 2019 registered under Sections 341,323,379,307,428,504/34 of the Indian Penal Code as well as under Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act.

Allegation against the appellant, in the FIR is that he assaulted with iron rod at the leg of the informant. In the circumstance, offence under Section 3(2)(va) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act is prima facie made out. Therefore, prayer for anticipatory bail is barred under Section 18 of the Act. In the circumstance, it cannot be argued that there is case and counter case between the parties and other reasons for false implication.

Accordingly, this appeal has got no merit and it stands dismissed.

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

(Birendra Kumar, J)

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