

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5105 of 2019**

Arising Out of PS. Case No.-89 Year-2019 Thana- CHENARI District- Rohtas

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1. VAKIL YADAV
 2. Sunil Yadav
 3. Anil Yadav
All three Sons of Bhagwan Yadav
 4. Kanhaiya Yadav
 5. Bhagwan Yadav
Both Sons of Late Amerik Yadav
 6. Dhananjay Yadav
 7. Chattu Yadav
Both Sons of Shiv Pujan Yadav
 8. Govind Yadav Son of Sudama Yadav
 9. Kanhaiya Yadav Son of Dev Raj Yadav, all Resident of Village- Bartali
Kala, Police Station- Chenari, District- Rohtas.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Pravesh Nath Tiwari, Adv
For the Respondent/s : Mr.Sadanand Paswan, APP

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

Date : 21-01-2020

Heard learned counsel for the parties.

28 days delay in filing of this appeal is explained in

I.A.No.01 of 2019. Hence, the delay is condoned.

I.A.No.01 of 2019 stands disposed of.

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 05.07.2019 in Reg. No.76 of 2019 passed by the learned 1st



Addl. District and Sessions Judge (Rohtas) in connection with Chenari P.S.Case No. 89 of 2019 registered under Sections 147,148,149,341,323,307,379,354A of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r) (s) of the Scheduled Castes and Scheduled Tribes Act.

The FIR prima facie discloses commission of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, hence, prayer for anticipatory bail would not be maintainable in view of the bar under Section 18 of the Act. Grounds that there is case and counter case and allegation is general and omnibus as well as non-believable cannot be looked into in view of the statutory bar to entertain the prayer.

Therefore, I am not inclined to interfere with the impugned order of refusal of prayer for anticipatory bail.

Accordingly, this appeal stands dismissed.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.01.2020
Transmission Date	23.01.2020

