

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5172 of 2019

Arising Out of PS. Case No.-84 Year-2019 Thana- DARPA District- East Champaran

1. UMESH PRASAD Son of Raghunath Prasad
2. Balmiki Kumar Son of Ram Lal Singh
3. Guddu Singh Son of RamLal Singh
4. Rakesh Singh @ Rakesh Kumar Son of Hira Lal Prasad
5. Balmiki Prasad Son of Hira Lal Prasad
All Resident of Village - Pipra PO and P.S.- Darpa, District - East Champaran Motihari.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 5221 of 2019

Arising Out of PS. Case No.-84 Year-2019 Thana- DARPA District- East Champaran

1. DEEPAK KUMAR Son of Umesh Prasad
2. Ali Akhtar Son of Bhola Miyan
3. Pradeep Kumar Son of Umesh Prasad
4. Meraj Alam Son of Ibrahim Miyan
All Resident of Village - Pipra, P.O. and P.S.- Darpa, District- East Champaran Motihari

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 5172 of 2019)

For the Appellant/s : Mr.Subodh Kumar Mishra, Adv

For the Respondent/s : Mr.Sadanand Paswan, APP

(In CRIMINAL APPEAL (SJ) No. 5221 of 2019)

For the Appellant/s : Mr.Subodh Kumar Mishra, Adv

For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 08-07-2020

Both matters have been taken up through video



conferencing.

Heard learned counsel for the parties.

Both appeals 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 24.09.2019 in A.B.P. No.2736 of 2019 and A.B.P. No.2794 of 2019 respectively passed by the learned 1st Addl. Sessions Judge-cum-Special Judge SC/ST, East Champaran Motihari in connection with Darpa P.S.Case No. 84 of 2019 registered under Sections 147, 149, 447, 448, 341, 323, 324, 504, 506, 379 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

Both the appeals are against refusal of the prayer for anticipatory bail in a case registered for offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The FIR prima facie discloses allegation of commission of assault to a member of the scheduled caste, who is co-villager of the appellants. Hence, prima facie bar of entertainment of prayer for anticipatory bail is applicable. Therefore, I do not find any merit in both the appeals against refusal of the prayer for anticipatory bail.



Accordingly, both the appeals aforesaid stand dismissed.

Appellants may surrender and prayer for regular bail which shall be disposed of without being prejudiced by this order.

(Birendra Kumar, J)

Nitesh/-

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