

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5220 of 2019

Arising Out of PS. Case No.-386 Year-2019 Thana- MASAUDHI District- Patna

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1. RAMASHISH YADAV @ RAMASHISH PRASAD Son of Jhulan Yadav Resident of Village - Bhaishma, P.S.- Masaurhi, District- Patna
 2. Nitish Yadav @ Nitish Kumar Son of Jhulan Yadav Resident of Village - Bhaishma, P.S.- Masaurhi, District- Patna
 3. Dukhan Prasad Son of Raghubir Prasad Resident of Village - Bhaishma, P.S.- Masaurhi, District- Patna
 4. Jhalak Yadav @ Jhalak Prasad Son of Nathu Yadav Resident of Village - Bhaishma, P.S.- Masaurhi, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashi Bhushan Kumar, Advocate.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 20-02-2020 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 24.10.2019 by the learned Addl. Sessions Judge cum Special Judge-XX, Patna in A.B.P. No. 8107 of 2019, arising out of SC/ST P.S. Masaurhi Case No. 386 of 2019 registered under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Section 3(1)(r)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989.

According to the F.I.R., the informant was allegedly assaulted by the appellants as informant was not ready to carry bags of the appellants for the reason of past dues against the appellants.

Evidently, there is accusation of commission of offence under Section 3(2)(va) read with schedule of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Hence, prayer for anticipatory bail is not maintainable in view of bar under Section 18 of the Act.

Therefore, correctness of the allegation cannot be looked into in an application for anticipatory bail.

Hence, this appeal against the refusal of prayer for anticipatory bail has got no merit. Accordingly, it stands dismissed.

In the event of surrender of the appellants, prayer for regular bail shall be considered by the court below on its own merit without being prejudiced by this order.

(Birendra Kumar, J)

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