

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5215 of 2019

Arising Out of PS. Case No.-176 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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RAMASHIS YADAV Son of Indradew Yadav Resident of Village - Patal Bigha, P.S.- Magadh Medical, Distt - Gaya.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Arjun Dass Son of Jageshwar Dass Resident of Village - Patal Bigha, P.S.- Magadh Medical, Distt - Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Amarendra Kumar Mishra
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 24-02-2020 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 23.09.2019 by the learned Special Judge, SC/ST Act, Gaya in Magadh Medical P.S. Case No. 176 of 2019 registered under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to F.I.R., appellant allegedly assaulted to a member of the scheduled caste who was his co-villager.



Learned counsel for the appellant submits that false and concocted allegation is there and F.I.R. was lodged after 7 days of the occurrence. There was no injury report on the record nor other witnesses have supported the allegation.

Since *prima facie* accusation of commission of offence under Section 3(2)(va) read with schedule of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out, hence prayer for anticipatory bail is not maintainable in view of bar under Section 18 of the Act.

Therefore, aforesaid argument cannot be made in an application for anticipatory bail.

In the result, this appeal against the refusal of prayer for anticipatory bail is dismissed.

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

(Birendra Kumar, J)

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