

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5317 of 2019

Arising Out of PS. Case No.-56 Year-2019 Thana- BARHARA KOTHI District- Purnia

1. SHISHIR KUMAR SINGH Son of Sanjay Singh Resident of Village - Olaha, P.S. - Barhara (Raghubansh Nagar), District - Purnea.
2. Samir Kumar Singh Son of Sanjay Singh Resident of Village - Olaha, P.S. - Barhara (Raghubansh Nagar), District - Purnea.
3. Sudhanshu Singh @ Rocky Singh @ Rakesh Kumar Son of Binod Kumar Singh Resident of Village - Olaha, P.S. - Barhara (Raghubansh Nagar), District - Purnea.
4. Shubham @ Sinku Singh Son of Sabindra Prasad Singh @ Ravindra Prasad Singh Resident of Village - Olaha, P.S. - Barhara (Raghubansh Nagar), District - Purnea.
5. Jitu Kumar Singh @ Avinash Kumar Son of Kusheshwar Singh Resident of Village - Olaha, P.S. - Barhara (Raghubansh Nagar), District - Purnea.
6. Binod Kumar Singh @ Santosh Kumar Singh Son of Late Devsharan Prasad Singh Resident of Village - Olaha, P.S. - Barhara (Raghubansh Nagar), District - Purnea.
7. Sanjay Singh Son of Dayanath Singh Resident of Village - Olaha, P.S. - Barhara (Raghubansh Nagar), District - Purnea.
8. Sudarshan Kumar Singh Son of Niraj Singh Resident of Village - Olaha, P.S. - Barhara (Raghubansh Nagar), District - Purnea.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijendra Kumar Singh, Advocate.
For the Respondent/s : Mr.Usha Kumari 1, 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 22.10.2019 by the learned 1st Addl. District and Sessions Judge cum Special Judge (SC/ST Act), Purnea in Barhara P.S. Case No. 56 of 2019, Spl. SC/ST



No. 30 of 2019 registered under Sections 341, 323, 354, 379, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The F.I.R. *prima facie* discloses accusation of commission of offence under 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, it cannot be argued that that the present F.I.R. is concocted one and is result of counter case lodged by one of the appellant, a copy of the same is at Annexure-2.

Hence, I do not find any merit in this appeal against the refusal of prayer for anticipatory bail. Accordingly, it stands dismissed.

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

(Birendra Kumar, J)

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