

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5208 of 2019

Arising Out of PS. Case No.-194 Year-2019 Thana- RAFIGANJ District- Aurangabad

SAURABH KUMAR Son of Raju Prasad @ Raj Kumar Resident of Village-
Muhalla Imadpur, Station Road near S.B.I. A.T.M, P.S.- Rafigani, District-
Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Leelawati Kumari
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 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 30.09.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in A.B.P. No. 1186 of 2019, arising out of Rafiganj P.S. Case No. 194 of 2019 registered under Sections 341, 323, 504, 379/34 of the Indian Penal Code and Sections 3(i)(r)(s) (w)/3(ii)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is of commission of assault to a member of the scheduled caste who was co-villager



of the appellant.

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 barred under Section 18 of the Act.

In the result, 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 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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