

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5484 of 2019**

Arising Out of PS. Case No.-189 Year-2018 Thana- MOHIUDDIN NAGAR District-
Samastipur

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BIMAL RAY @ VIMAL KUMAR Son of Asharfi Ray R/O Village -
Bishanpur Beri, Matiour, Police Station - Mohiuddin Nagar, District -
Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-02-2020 Heard learned counsel for the appellant, learned
counsel for the informant and the learned Special Public
Prosecutor for the State.

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 25.06.2019 in A.B.P. No. 1296
of 2019 passed by the learned Special Judge S.C./S.T. Act,
Samastipur in connection with Mohiuddin Nagar P.S. Case No.
189 of 2018 registered under Sections 447, 341, 323, 307,
504/34 of the Indian Penal Code, Section 27 of the Arms Act as
well as Sections 3(1)(r), 3(1)(s) of the SC/ST Act.

There is delay of 40 days in filing of this appeal under
Section 14A(2) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, 1989, against refusal of prayer for anticipatory bail. The delay is explained in I.A. No. 01 of 2019.

Hence, the delay is condoned for substantial justice in the case.

Allegation against the appellant is of commission of firearm injury to a member of the scheduled caste, who is informant of this case.

Since, prima facie, accusation of commission of offence, under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is there against the appellant, prayer for anticipatory bail is barred under Section 18 of the Act. Therefore, this appeal against refusal of the prayer for anticipatory bail has got no merit.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

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