

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5325 of 2019

Arising Out of PS. Case No.-162 Year-2019 Thana- AMAS District- Gaya

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1. PRADEEP CHAUDHARY Son of Vinod Mallah
 2. Sandeep Chaudhary @ Sandeep Kumar Son of Vinod Mallah @ Vinod Chaudhary
 3. Pramod Chaudhary Son of Bandhu Mallah
 4. Bhola Mallah @ Ranjit Mallah Son of Dinesh Mallah
 5. Suresh Mallah Son of Vinod Mallah
All Resident of Village - Chitab Khurd, P. S.- Amas, Distt.- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Binod Kumar, Advocate
For the Respondent/s	:	Mr.Binay Krishna, APP

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 Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Special Judge, SC/ST Act, Gaya, in connection with Amas Police Station Case No.162 of 2019, registered under Sections 147/148/149/341/ 323 /504/506/307/354 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

A bare perusal of the FIR discloses accusation of commission of offence under Section 3(2)(Va) read with



schedule attached to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Hence, prayer for anticipatory bail is not maintainable in view of the bar under Section 18 of the Act.

Therefore, in an application for anticipatory bail it cannot be argued that the allegation is general and omnibus and is counter blast to the counter case lodged by the appellants' side.

Therefore, this appeal against refusal of anticipatory bail is dismissed as devoid of any merit.

However, in the event of surrender of the appellants the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

(Birendra Kumar, J)

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