

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5450 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- SC/ST District- Patna

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1. RAMAN KUMAR @ RAMAN YADAV Son of Nagendra Prasad Resident of Village- Daulatpur, P.S.- Kadirganj, District- Patna.
 2. Nagendra Prasad @ Rakesh Kumar Son of Ramanand Prasad Resident of Village- Daulatpur, P.S.- Kadirganj, District- Patna.
 3. Om Prakash Kumar @ Om Prakash Son of Awadhesh Prasad Resident of Village- Daulatpur, P.S.- Kadirganj, District- Patna.
 4. Upendra Prasad @ Upendra Yadav Son of Ramnandan Prasad Resident of Village- Daulatpur, P.S.- Kadirganj, District- Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhola Kumar, Advocate.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 25-02-2020 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 17.07.2019 in A.B.P. No. 4245 of 2019 passed by the learned Additional District and Sessions Judge-XIII-cum-Special Judge (SC/ST Act), Patna in connection with Special Case No. 227 of 2019 arising out of SC/ST P.S. Case No. 18 of 2019 registered under Sections 341, 323, 354, 504, 506, 34 of the Indian Penal Code and Sections



3(i)(r)(s)(w)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is delay of 26 days in filing of this appeal against the refusal of prayer for anticipatory bail under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The delay is explained in I.A. No. 1 of 2019.

Hence, for substantial justice, the delay is condoned.

Allegation against the appellants is of commission of assault to a member of the Scheduled Castes. Hence, prima facie offence under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act read with the Schedule of the said Act is made out. Therefore, prayer for anticipatory bail is barred under Section 18 of the Act.

Learned Counsel for the appellants submits that some other co-accused have been allowed anticipatory bail by a coordinate Bench of this Court.

I have gone through the order passed by the coordinate Bench of this Court which are available at Annexure-3 and Annexure-3/1, it is not on the record that land disputes are going on between the parties before the Circle Officer etc.

Therefore, I do not find any merit in this appeal



against the refusal of prayer for anticipatory bail. Accordingly, it stands dismissed.

However, 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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