

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5532 of 2019**

Arising Out of PS. Case No.-14 Year-2018 Thana- SC/ST District- Gaya

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RAMA YADAV @ RAM PRASAD YADAV Son of Late Rameshwar Yadav
@ Rameshwar Yadav Kumar Resident of Village - Bardag, P.S.- Mohanpur,
District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manish Kumar No2, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 27-02-2020 Heard learned counsel for the parties.

There is delay of sixty days in filing of this appeal against refusal of prayer for anticipatory bail. The delay is explained in I.A. No.1 of 2020. Hence, for substantial justice the delay in filing of this appeal is condoned.

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 Exclusive Special Judge, SC/ST Act, Gaya, in connection with SC/ST Police Station Case No.14 of 2018, registered under Sections



147/148/149/323 /504 /379 of the Indian Penal Code and Section 3(i)(g)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR prima facie discloses accusation of commission of atrocity and assault against a member of the scheduled caste.

Though learned counsel for the appellant submits that there is land dispute between the parties, however, nothing has been produced to substantiate the claim of the appellant on the referred plot. Moreover, when some other co-accused were allowed anticipatory bail by a coordinate Bench, vide order at Annexure-3, it was not brought to the notice of the Hon'ble Bench that offence under Section 3(2)(Va) read with schedule attached to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is prima facie made out against the appellant. Hence, the prayer for anticipatory bail is not maintainable in view of the bar under Section 18 of the Act.

In the result, this appeal against the refusal of prayer for anticipatory bail has got no merit. Accordingly, it stands dismissed.

However, in the event of surrender of the appellant



the prayer for regular bail shall be considered without being
prejudiced by the order of this Court.

(Birendra Kumar, J)

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