

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5476 of 2019

Arising Out of PS. Case No.-106 Year-2018 Thana- ATRI District- Gaya

ANJAY YADAV @ ANJAY KUMAR Son of Natuhan Prasad Resident of
Village - Kewati, P.S.- Atri, District- Gaya

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rama Kant Singh, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 20-02-2020 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 08.11.2019 passed by the learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 274 of 2019, arising out Atri P.S. Case No.106 of 2018 registered under Sections 149, 341, 323, 379, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s)(u) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,1989.

According to FIR, the informant was robbed and assaulted while he was returning to his house by the appellant and others. Some other injured of the occurrence namely Sonu Kumar has also supported the allegation before the police.

In my view, prima facie, accusation of commission of



offence, under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is there in the FIR, as such 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 looked into that some of the witnesses stated before the police that they are not aware of the fact that the occurrence of robbery was committed but they have heard that occurrence of assault has already taken place nor the fact that supervising authority did not find the allegation true after getting information from the spies.

Since sufficient material is there of commission of assault to the informant by the appellant and others, I am not inclined to interfere with the order of refusal of prayer for anticipatory bail and this appeal is dismissed as devoid of any merit.

However, 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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