

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5607 of 2019

Arising Out of PS. Case No.-268 Year-2019 Thana- KARJA District- Muzaffarpur

1. GANAUR RAI Son of Late Ram Dayal Rai
2. Raju Kumar Son of Ganaur Rai
3. Rajeev Kumar Son of Ganaur Rai
4. Kailash Rai Son of Batahu Rai
5. Jagdish Rai Son of Batahu Rai
6. Butan Rai Son of Late Rajendra Rai
7. Bhola Kumar @ Amod Kumar Son of Sanjay Rai
8. Pankaj Kumar Son of Sanjay Rai
9. Usha Devi Wife of Sanjay Rai
10. Ranjan Devi, Daughter of Late Rajeshwar Rai
11. Shiv Chandra Rai, Son of Rakesh Rai
12. Krishna Rai @ Krishna Kumar, Son of Ramjee Rai
13. Sunil Kumar, Son of Shiv Chandra Rai
14. Lalan Kumar @ Lalan Kumar Rai, Son of Kailash Rai
15. Subodh Kumar, Son of Shiv Chandra Rai
16. Ram Chandra Rai, Son of Khedar Rai

All are Resident of Village - Borbara, P.S. - Karja, District -
Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Ekwai Thakur Son of Ramashish Thakur Resident of Village - Borbara,
P.S.- Karja, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajendra Narayan, Sr. Advocate Mr. Shashi Bhushan Singh, Advocate
For the Informant	:	Mrs. Rupa Kumari, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-02-2020 Heard Mr. Rajendra Narayan, learned Senior Counsel

for the appellants, learned counsel for the informant and learned

Spl. P.P. for the State.



This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 16.11.2019 in A.B.P. No. 3548 of 2019 passed by the learned Special Judge S.C./S.T. Act, Muzaffarpur in connection with Karja P.S. Case No. 268 of 2019 registered under Sections 147, 148, 149, 323, 324, 307, 379, 427 of the Indian Penal Code as well as Sections 3(1)(r)(w) of the SC/ST Act.

The FIR, prima facie, discloses accusation of commission of offence of assault to a member of the scheduled caste, hence, offence, under Section 3(2)(Va) read with the Schedule of the Act, is prima facie, made out. Therefore, prayer for anticipatory bail is barred under Section 18 of the Act.

If the prayer is itself barred, in an application for anticipatory bail, it cannot be argued that there is case and counter case, allegation is general and omnibus, though there is allegation of commission of assault with rod and *lathi* but there is no injury report etc. etc.

The trustworthiness of the accusation cannot be looked into in an application for anticipatory bail. Though, it



can well be looked into while considering the prayer for regular bail or conducting the trial. Therefore, this appeal against refusal of the prayer for anticipatory bail is dismissed as devoid of merit.

In the event of surrender of the appellants, prayer for regular bail shall be considered without being prejudiced by this order and considering the aforesaid submission made on behalf of the appellants.

(Birendra Kumar, J)

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