

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5582 of 2019**

Arising Out of PS. Case No.-158 Year-2019 Thana- AMAS District- Gaya

1. Mantu Yadav S/o Shayamali Yadav
2. Manoj Yadav S/o Shayamali Yadav
3. Ranjay Kumar @ Ranjay Kumar Ranjan S/o Ramashis Yadav
All R/o - Tetariya, P.S.- Amas, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Yadav, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 24-02-2020 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 Exclusive Special Judge, SC/ST Act, Gaya, in connection with Amas Police Station Case No.158 of 2019, registered under Sections 147/148/149/341/323/307/504/506 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

In the FIR accusation against the appellants is of commission of assault to a member of the scheduled caste,



who is co-villager of the appellants. Hence, prima facie accusation is there against the appellants 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. Therefore, prayer for anticipatory bail is barred under Section 18 of the Act.

Learned counsel for the appellant submits that there is case and counter case.

The counter case would not dilute the mandate of law contained in Section 18 of the Act.

Therefore, I am not inclined to interfere with the refusal of prayer for anticipatory bail.

Accordingly, this appeal 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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