

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5712 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- SC/ST District- Banka

-
1. MANOHAR KUMAR SAH @ MANOHAR SAH Son of Anandi Sah
Resident of Village - Bhurna, P.S.- Barahat, District- Banka
 2. Fanti Sah @ Manikant Sah Son of Anandi Sah Resident of Village - Bhurna,
P.S.- Barahat, District- Banka
 3. Jaykant Sah Son of Jogi Sah Resident of Village - Bhurna, P.S.- Barahat,
District- Banka

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhay Kumar Singh, Advocate.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 06-02-2020 Learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant nos.2 and 3 namely Fanti Sah and Jaykant Sah submitting that the aforesaid appellants have been arrested.

Accordingly, this appeal is dismissed as withdrawn in respect of appellant nos.2 and 3 namely Fanti Sah and Jaykant Sah only.

Heard learned counsel for the parties in respect of appellant no.1.

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 03.12.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Banka in



A.B.P. No. 1728 of 2019, arising out of Banka SC/ST P.S. Case No. 42 of 2019 registered under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

F.I.R. *prima facie* discloses commission of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Hence, prayer for anticipatory bail is barred under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Therefore, no argument can be accepted in an application under Section 438 Cr.P.C. that allegation is false one, allegation is general and omnibus and some other motive is there for making false allegation.

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

However, in the event of surrender of appellant Manohar Kumar Sah, his prayer for regular bail shall be considered by the court below without being prejudiced by this order.

(Birendra Kumar, J)

mantreshwar/-

U		T	
---	--	---	--

