

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5676 of 2019

Arising Out of PS. Case No.-354 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

1. MD. CHUNNU @ AHMADULLAH
2. Md. Anwar @ Md. Anwar Hussain
3. Md. Arif @ Md. Arif Hussain
4. Md. Chand @ Md. Motiullah
All Sons of Late Md. Pyare @ Md. Sami Ahmad, resident of Village - Turki
Chaumukh, P.S.- Bochahan, District- Muzaffarpur

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anish Chandra,Adv
For the Respondent/s	:	Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-01-2020

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 03.12.2019 in A.B.P. No.3628 of 2019 passed by the learned Special Judge SC/ST, Muzaffarpur in connection with Bochahan P.S.Case No. 354 of 2019 registered under Sections 341,323,324,34 of the Indian Penal Code and Sections 3(i)(r)(s)/2(va) of the Scheduled Castes and Scheduled Tribes Act.

Allegation is of commission of assault to a member of the scheduled caste, hence, prima facie offence under Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out for the purpose of consideration of this prayer for anticipatory bail. Prayer has been refused by the learned Special Judge on the ground that it is not maintainable.

I do not find any infirmity with the impugned order. Hence, this appeal is dismissed as devoid of any merit.

However, in the event of surrender, prayer for regular bail shall be considered without being prejudiced by this order and considering the fact that offences alleged under the Indian Penal Code are bailable.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.01.2020
Transmission Date	07.01.2020

