

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.755 of 2017

Arising Out of PS.Case No. -181 Year- 2015 Thana -MANIGACHI District- DARBHANGA

=====

1. Balgovind Yadav son of late Bauku Yadav
2. Ram Bharosh Yadav son of Bal Govind Yadav
3. Lal Babu Yadav son of Bal Govind Yadav
4. Urmila Devi @ Laddli Devi wife of Bal Govind Yadav
5. Samtola Devi @ Samtola Kumari daughter of Bal Govind Yadav all are residents of Village - Fatepur, P.S. - Nehra O.P., District - Darbhanga.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Gopal Jha

For the Respondent/s : Mr. Sri Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

2 19-04-2017 Heard learned counsel for the appellants as well as learned Public Prosecutor.

Bihari Paswan had filed written report before O.C. concerned alleging inter alia that Balgovind Yadav, Ram Bharosh Yadav, Lal Babu Yadav, Laddu Devi and Samtola Devi assaulted his wife Kumari Devi and daughter Pinki Kumari, took away ornaments, cash belonging to Rs. 10,000/- and further threatened dire consequences.

Learned counsel for the appellants has submitted that no offence under Section SC/ST (POA) Act is made out on plain reading of the written report. Furthermore, it has also been



submitted that two accused are ladies. So submitted that all the appellants are entitled for anticipatory bail.

Learned Special Public Prosecutor has submitted that cognizance of offence had already been taken under different sections of the IPC including section 3(1)(X) SC/ST (POA) Act whereupon the instant appeal is non-maintainable.

From the order impugned, it is evident that cognizance had already been taken. That being so, as per principle laid down by the Hon'ble Apex Court in ***Bachu Das Vs. State of Bihar & Ors.*** reported in (2014) 3 SCC 471 as well as ***Manju Devi Vs. Onkarjit Singh Ahluwalia @ Omkarjeet Singh & Ors.*** relating to ***Cr. Appeal No. 570 of 2017*** arising out of ***Special Leave Petition (Crl.) No. 1929 of 2015*** dated 24.3.2017, a prayer for anticipatory bail would not lie in case of cognizance has been taken under section SC/ST (POA) Act. That being so, the instant appeal lacks merit and is accordingly, dismissed.

(Aditya Kumar Trivedi, J)

Ravi/-

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

