

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.384 of 2017

Arising Out of PS.Case No. -40 Year- 2016 Thana -SC/ST District- JAMUI

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1. Radhey Jha @ Radhey Shyam Jha Son of Late Koknath Jha Resident of
Village-Sonpey P.S. and District Jamui

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

5 01-05-2017 Heard learned counsel for the appellant as well as
learned Spl.P.P.

Inspite of specific order dated 27.04.2017
whereunder, appellant was directed to furnish certified copy of the
order by which, he has been recognized as an accused in the
present case in the background of the fact that appellant has not
been named as an accused but he failed to file such kind of order.
The conduct of the appellant suggests that as yet, he has not been
made an accused. Though under Scheduled Castes & Scheduled
Tribes (Prevention of Atrocities) Act, prayer for anticipatory bail
is not at all maintainable but, considering the relaxation having
provided under paras 27 as well 28 of the **Bisheshwar Mishra's**
case reported in **2016 (4) PLJR 1058**, the status of the appellant



has to be recognized, first. From the order impugned, it is evident that the learned lower court had not identified the appellant to be an accused in the present case, that means to say, Jamui S/C, S/T PS case no. 40/2016. Though having incorporated in the order that the name of the appellant has transpired in para 18 of the case diary, blanket anticipatory bail is non-permissible in the eyes of law that had already been settled at rest.

Consequent thereupon, instant appeal in its present form is found non-maintainable and is accordingly, rejected. However, it is made clear that appellant may re-agitate the matter after being identified as an accused.

(Aditya Kumar Trivedi, J.)

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