

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3026 of 2019**

Arising Out of PS. Case No.-18 Year-2018 Thana- SC/ST District- Araria

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1. MD. ALAM Son of Late Mehruddin Resident of Village - Thariya Bakiya, Ward No. 12, P.S.- Simraha, - Dist.- Araria.,
 2. Bibi Asmati Wife of Md. Alam Resident of Village - Thariya Bakiya, Ward No.12, P.S.- Simraha, - Dist.- Araria.,

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ramesh Kumar Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 02-12-2019 Heard learned counsel for the appellants and learned
APP for the State.

The appellants in the present appeal are challenging the order dated 21.05.2019 passed by learned 1st Additional Sessions Judge – cum – Special Judge, Araria in A.B.P. No. 942 of 2019 in connection with Araria SC/ST P.S. Case No. 18 of 2018, corresponding to Spl. (SC/ST) Case No. 59 of 2018 registered under Sections 147, 148, 323, 341, 352, 354(B), 307, 379, 380, 384, 448, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act and Section 3 (vi)(x) of SC/ST (Prevention of Atrocities) Act.

Since learned counsel for the appellants has at the outset informed this court that in this case cognizance of the



offences alleged have already been taken and the appellants have been summoned, in view of the Hon'ble Division Bench Judgment of this court in the case of Bisheshwar Mishra & Ors. Vs. The State of Bihar reported in 2016(4) PLJR 1058, this court is of the considered opinion that anticipatory bail application cannot be maintained.

It is made clear that the Court is not sitting in a competent jurisdiction to look into the legality and illegality of the order taking cognizance and issuance of summons to the appellants and it is open for the appellants to pursue their remedy against the order taking cognizance in appropriate jurisdiction.

In case the appellants surrender and pray for regular bail, their prayer for regular bail shall be considered on their own merit without being prejudiced by the order of this Court. In case appellant no. 2 who is a female surrenders within the aforesaid period, her prayer for regular bail shall be considered and disposed of on the same day.

The appeal stands disposed of.

(Rajeev Ranjan Prasad, J)

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