

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3069 of 2019

Arising Out of PS. Case No.-42 Year-2018 Thana- SC/ST District- Vaishali

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1. Akhilesh Kumar Singh Son of Late Avodh Kuwar, Resident of Village - Kario, P.S.- Mahua, District- Vaishali, Bihar
 2. Paras Sah @ Paras Singh Son of Jabahir Sah, Resident of Village - Hasanpur Badbas, P.S.- Mahua, District- Vaishali, Bihar

... .. Appellants

Versus

1. The State of Bihar.
2. Jagarnath Chaudhary S/o Late Ramdev Chaudhary, R/o Vill-Harpur Osti, P.S.-Mahua, Distt.-Vaishali

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Anish Kumar, Advocate
For the State	:	Mr.Usha Kumari 1, Spl.P.P.
For the Informant	:	Ms.Anit Kumari Singh, Advocate
		Mr.Samarjeet Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 28-11-2019 Heard learned counsel for the appellants, learned Spl.P.P. for the State and learned counsel for the Informant.

Appellants, in the present appeal, are challenging the order dated 22.04.2019 passed in A.B.P. No. 908 of 2019 arising out of Hajipur SC/ST Case No. 42 of 2018 registered under Sections 406, 420, 323, 504 of the Indian Penal Code and Sections 3(i)(r) and 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for anticipatory bail of the appellants has been rejected by the learned Additional Sessions Judge-1 [Special Judge, SC/ST (POA) Act], Vaishali at Hajipur.



In course of argument, learned counsel for the appellants has accepted that now the investigation is complete, charge-sheet has been filed against the appellants and the court below has already taken cognizance of the offences under section SC/ST Act and has issued summons to the appellants.

Learned Spl.P.P. for the State submits that 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** held that once summons have been issued finding a prima-facie case against the appellants, prayer for anticipatory bail cannot be entertained.

Considering the facts and circumstances of the case, wherein it appears that the cognizance has already been taken and summons have been issued to the appellants finding a prima-facie case, in view of the judgment of Hon'ble Division Bench of this Court in the aforesaid case, anticipatory bail application cannot be entertained.

Appeal is, thus, dismissed with liberty to the appellants to seek their remedy in accordance with law.

(Rajeev Ranjan Prasad, J)

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