

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3379 of 2019

Arising Out of PS. Case No.-83 Year-2018 Thana- SC/ST District- Araria

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1. MD. ALAM @ MD. ALAMA Son of Late Mehruddin Resident of Village - Khariya 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

3 20-11-2019 Heard learned counsel for the appellants and learned APP for the State.

The appellants in the present case are challenging the order dated 18.06.2019 passed by learned Ist Additional Sessions Judge-cum-Special Judge, Araria in connection with Araria SC/ST P.S. Case No. 83 of 2018 corresponding to Spl. SC/ST Case no. 191 of 2018 registered for the offences punishable under Sections 323, 341, 370, 504/34 of the Indian Penal Code and Sections 3/4 of SC/ST (Prevention of Atrocities) Act by which their prayer for anticipatory bail has been refused.

In course of argument learned counsel for the appellants submits that in the complaint case on finding a prima facie case, cognizance has already been taken against the



offences alleged.

In that view of the matter, taking note of the judgment of the Hon'ble Division Bench 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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