

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3802 of 2019**

Arising Out of PS. Case No.-59 Year-2018 Thana- TANDWA District- Aurangabad

1. SHYAM KISHORE SINGH aged about 71 years, Male, Son of Late Ramkrit Singh Resident of Village - Panchpokhri, P.S.- Tandwa, District- Aurangabad (Bihar)
2. Jai Kush Singh @ Jai Kush Kr. Singh, aged about 27 years, Male, Son of Sri Shyam Kishore Singh Resident of Village - Panchpokhri, P.S.- Tandwa, District- Aurangabad (Bihar)

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Debanjan Chowdhary, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, APP

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

4 02-12-2019 Heard learned counsel for the appellants and learned
APP for the State.

The appellants in the present case are challenging the order dated 07.08.2019 passed by the learned 1st Additional Sessions Judge – cum – Special Judge (SC/ST) Act, Aurangabad in A.B.P. No. 916 of 2019 arising out of Tandwa P.S. Case No. 59 of 2018 under Sections 341, 323, 379, 354, 504, 506/34 of the Indian Penal Code and under Section 3(i)(r), 3(i)(s) of SC/ST (Prohibition and Atrocities) Act.

Since learned counsel for the appellants has informed this court that in this case charge-sheet has already been submitted on 09.04.2019, learned Additional Sessions Judge –



cum – Special Judge (SC/ST) Act, Aurangabad has already taken cognizance of the offences and appellants have been summoned, in view of the Hon’ble Division Bench Judgment 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.

In case, the appellants surrender and pray for regular bail in the court below within a period of four weeks from today, the same shall be considered on it’s own merit keeping in view that the informant and the petitioner’s side are litigating over a piece of land and it is in connection with the possession over the said piece of land the alleged occurrence is said to have taken place and in case, if it is found that the appellants were on police bail as their arrest was not required in course of investigation the prayer for regular bail shall be considered on the same day.

The appeal stands disposed off.

(Rajeev Ranjan Prasad, J)

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