

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4349 of 2019

Arising Out of PS. Case No.-192 Year-2016 Thana- HARSIDHI District- East Champaran

1. Pradip Sah Son of Devi Chandra Sah, Resident of Village- Pakaria, Tola- Kubra, P.S.- Harsidhi, District- East Champaran at Motihari.
2. Shobha Sahani Son of Late Amichand Sahani, Resident of Village- Pakaria, Tola- Kubra, P.S.- Harsidhi, District- East Champaran at Motihari.
3. Nawal Rai Son of Late Ganga Rai Resident of Village- Pakaria, Tola- Kubra, P.S.- Harsidhi, District- East Champaran at Motihari.
4. Suresh Rai Son of Late Anurodh Rai, Resident of Village- Pakaria, Tola- Kubra, P.S.- Harsidhi, District- East Champaran at Motihari.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Jai Shanker Prasad, Advocate
For the Respondent/s : Mr.Usha Kumari 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 Later on.... Heard learned counsel for the appellants and learned
25-11-2019 A.P.P. for the State.

Appellants, in the present appeal, are challenging the order dated 23.08.2019 passed in A.B.P. No. 2014 of 2019 arising out of Harsidhi P.S. Case No. 192 of 2016 registered under Sections 323, 341, 354, 379, 447/34 of the Indian Penal Code and Section 3(i) (x) 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-cum-Special Judge, Schedule Caste/Schedule Tribe (Prevent



of Atrocities) Act, East Champaran at Motihari.

Learned counsel for the appellants submits that the appellants have been falsely implicated in this case as neither any injury was caused to the informant nor she gave any reason for the alleged occurrence. It is further submitted that during investigation almost all the witnesses have said that due to Panchayat Election there was some grudge and the allegation of snatching has been denied by the witnesses.

Learned A.P.P. for the State has opposed the prayer for bail.

Since the appellants have already been charge-sheeted and cognizance has been taken against them, 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** anticipatory bail application cannot be maintained.

Application is, thus, dismissed.

In case, appellants surrender in the court below and pray for regular bail within a period of four weeks from today, their prayer for regular bail shall be considered on its own merit without being prejudiced of the order of this Court.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

