

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4541 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- SC/ST District- Buxar

1. LAXMAN MAHATO Son of Late Yashoda Mahto Resident of Village- Sowan, P.S.- Krishna Braham in the District of Buxar.
2. Bhagwan Mahto Son of Late Yashoda Mahto Resident of Village- Sowan, P.S.- Krishna Braham in the District of Buxar.
3. Umashankar Mahto Son of Late Yashoda Mahto Resident of Village- Sowan, P.S.- Krishna Braham in the District of Buxar.
4. Banshi Mahto Son of Late Yashoda Mahto Resident of Village- Sowan, P.S.- Krishna Braham in the District of Buxar.
5. Chhotak Mahto Son of Gauri Shankar Mahto Resident of Village- Sowan, P.S.- Krishna Braham in the District of Buxar.
6. Badak Mahto Son of Gauri Shankar Mahto Resident of Village- Sowan, P.S.- Krishna Braham in the District of Buxar.
7. Ramlal Mahto Son of Late Hari Shankar Mahto Resident of Village- Sowan, P.S.- Krishna Braham in the District of Buxar.
8. Ram Kumar Mahto Son of Late Hari Shankar Mahto Resident of Village- Sowan, P.S.- Krishna Braham in the District of Buxar.
9. Dhanpat Mahto Son of Late Deomuni Mahto Resident of Village- Sowan, P.S.- Krishna Braham in the District of Buxar.

... .. Appellant/s

Versus

The State of Bihar

.. ... Respondent

Appearance :

For the Appellant/s : Mr.Sunil Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-11-2019 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

The appellants in the present case are seeking anticipatory bail in connection with Buxar SC/ST P.S. Case No. 02 of 2019 registered for the offences punishable under Sections 147, 149, 341, 323, 504, 354, 379, 436 of the Indian Penal Code and Sections 3(i) (r) (s) of SC/ST (Prevention of Atrocities) Act.



Since learned counsel for the appellants has informed this Court that after investigation chargesheet has already been submitted against the appellants and the court below has taken cognizance of the offence under the provisions of the SC/ST (Prevention of Atrocities) Act and summons have been issued to the appellants, 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 appeal for grant of anticipatory bail to the appellants cannot be entertained.

The appeal is dismissed accordingly.

It goes without saying that the appellants will be at liberty to challenge the order taking cognizance in accordance with law.

In case the appellants above named surrender and pray for regular bail before the court below within a period of four weeks from today, their prayer for regular bail shall be considered keeping in view the parameters for grant of regular bail including the submission of the appellants that almost after two months of the occurrence the complaint case was filed in the court below.

(Rajeev Ranjan Prasad, J)

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