

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5268 of 2019

Arising Out of PS. Case No.-50 Year-2017 Thana- SC/ST District- Jehanabad

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1. BATESHWAR SHARMA @ BALESHWAR SHARMA Son of Late Dev Narayan Sharma
 2. Rinki Devi W/o Sri Binit Kumar @ Binit Sharma
 3. Binit Kumar @ Binit Sharma S/o Sri Bateshwar Sharma @ Baleshwar Sharma
All Resident of Village- Bhelawar, P.S.- Kako, District- Jehanabad.

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Uday Pratap Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Sp. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-12-2019 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The appellants in the present appeal are seeking setting aside the order dated 16.11.2019 apssed in A.B.P. No. 1398/2019 passed by learned Additional Sessions Judge – 1st, Jehanabad in connection with Jehanabadd SC/ST P.S. Case No. 50/2017 for offences under Section 3(i)(r) of the SC/ST (Prevention of Atrocities) Act as well Section 20(2) of the Minimum Wages Act, 1948, by which prayer for anticipatory bail of the appellants has been refused.

In view of the information furnished by learned counsel for the appellants that in this case after submission of



the final form by police the learned Additional Sessions Judge – cum – Special Court, SC/ST Act has differed with the police report and has taken cognizance of the offences and the appellants have been summoned, in view of the Hon’ble Division Bench Judgment of this court in the case of Bisheshwar Mishra Vs. The State of Bihar reported in 2016(4) PLJR 1058 SC this appeal for purpose of anticipatory bail cannot be entertained.

It is open for the appellants to challenge the order taking cognizance and issuance of summon in accordance with law.

In case, the appellants surrender and pray for regular bail in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on it’s own merit independently without being prejudiced by the order of this court and the same shall not be rejected only on the ground that this court has refused to grant them anticipatory bail.

This appeal stands disposed off.

(Rajeev Ranjan Prasad, J)

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