

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.420 of 2020

Arising Out of PS. Case No.-3 Year-2010 Thana- DHAMDAHA District- Purnia

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1. DILIP THAKUR @ DILIP KUMAR THAKUR S/o Karandeo Thakur, Resident of Village- Bishunpur Deorhi, P.S.- Dhamdaha, Distt- Purnea.
 2. Uday Kant Thakur S/o Late Bal Bhadra Thakur, Resident of Village- Bishunpur Deorhi, P.S.- Dhamdaha, Distt- Purnea

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Prawesh Kumar, Adv.
For the Respondent/s : Ms.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 26-02-2021 Heard both sides.

The appellants filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 25.11.2019 passed by the learned Special Judge, SC/ST Act, Purnea by which the prayer for grant of anticipatory bail to the appellants was rejected in Dhamdaha P.S. Case No.03 of 2010 registered under Sections 147, 323, 447 and 34 of the I.P.C. and under Sections 3 and 4 of the SC/ST (POA) Act, corresponding to Special Case No.77 of 2019.

The informant firstly filed Complaint Case No.1016 of 2009 on the basis of which the present F.I.R. was lodged. The informant, in sum and substance, alleged that he being the son



of Mukhiya was keeping watch on the mango orchard standing on the government land but the appellants and others came, abused the informant by naming his caste and assaulted the informant with fists and slaps.

Learned counsel for the appellants submits that the police after investigation submitted final form finding the case false but the learned court below took cognizance differing with the finding of the Investigating Officer.

It appears that the case was registered in the year 2010. The police after investigation found the case false and submitted final form on 27.02.2010. The cognizance was taken in the year 2012 but the appellants moved for grant of anticipatory bail in the court of learned Special Judge only in the year 2019. There is a long delay in filing the anticipatory bail petition.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the appellants on anticipatory bail. Accordingly, the same is rejected.

The appeal is dismissed.

(Prabhat Kumar Jha, J)

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