

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.767 of 2020

Arising Out of PS. Case No.-332 Year-2018 Thana- MAJHAULIA District- West Champaran

1. REKHA SAH, Son of Late Devilal Sah, Resident of Village - Jaukatiya (Nayee Dih), Police Station - Majhaulia, District - West Champaran.
2. Chathu Sah @ Chhathu Sah, Son of Late Bijadhar Sah, Resident of Village - Jaukatiya (Nayee Dih), Police Station - Majhaulia, District - West Champaran.
3. Anil Sah, Son of Chathu Sah @ Chhathu Sah, Resident of Village - Jaukatiya (Nayee Dih), Police Station - Majhaulia, District - West Champaran.
4. Manjeet Sah, Son of Chathu Sah @ Chhathu Sah, Resident of Village - Jaukatiya (Nayee Dih), Police Station - Majhaulia, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vashistha Narayan Mishra, Adv.
For the Informant	:	Mr. Akhileshwar Kumar Srivastava, Adv.
For the State	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-03-2021 Heard Mr. Vashistha Narayan Mishra, learned counsel for the appellants, Mr. Akhileshwar Kumar Srivastava, learned counsel for the informant as well as learned Special P.P.

Appellants filed this appeal under Section 14A (2) of the SC/ST Act against the order dated 28.11.2019 passed in ABP No. 2873/2019 by the learned 1st Addl. District & Sessions Judge-cum-Special Judge, Bettiah, West Champaran by which learned Special Judge refused to grant anticipatory bail to the appellants in Majhauliya P.S. Case No. 332/2018, registered



under Sections 341, 323, 448, 379, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(g)3(2)(va) of the SC/ST Act.

Learned counsel for the appellants submits that on account of land dispute present case has been lodged. Similarly situated co-accused persons have already been granted anticipatory bail vide order dated 18.10.2019 passed in Cr. Appeal (SJ) No. 4424/2019 but the prayer for anticipatory bail of the appellants was rejected with liberty to renew their prayer for bail in the lower court but again the appellants came this Court for grant of anticipatory bail.

Taking into consideration the facts that earlier the prayer for bail of the appellants was withdrawn with liberty to renew prayer for bail in the court below but the appellants again moved this Court. Once the prayer for anticipatory bail of the appellants has already been considered and the same was permitted to be withdrawn, I do not find any fresh ground to reconsider the prayer for anticipatory bail of the appellants. Accordingly, the same is rejected. The appeal is dismissed. The appellants may surrender in the court below and pray for regular bail, on such learned Special Judge shall consider the prayer for bail of the appellants on its own merit without being prejudiced by this order, taking into consideration the facts that similarly



situated other co-accused persons, namely, Manoj Sah and three others have already been granted anticipatory bail vide order dated 18.10.2019 passed in Cr. Appeal (SJ) No. 4424/2019 and the case of the appellants stands on the same footing and dispose of the bail petition of the appellants preferably on the same day.

(Prabhat Kumar Jha, J)

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