

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2306 of 2021

Arising Out of PS. Case No.-14 Year-2016 Thana- SC/ST District- Aurangabad

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1. GAURI KANT SHRIWASTAWA Son of Umeshwar Prasad Resident of Village - Gauri, P.S.- Obra, District - Aurangabad
 2. Shashi Kant Shriwastawa Son of Umeshwar Prasad Resident of Village - Gauri, P.S.- Obra, District - Aurangabad

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kumar Goutam

For the Respondent/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 02-11-2021 Heard learned counsel for the appellants.

Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

This appeal has been preferred on behalf of the appellant under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 16.03.2020, passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Supaul in connection with Obra P.S.Case No. 14 of 2016, registered for the offences punishable under Sections 341, 323, 504, 427 and 34 of the Indian Penal Code and Section 3(1)(r), 3(1)(s), 3(2) (vs) of the of SC and ST



(Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

Admittedly, both the appellants are on police bail and this fact has also been mentioned in the impugned order dated 16.03.2020. As such, there is no apprehension of arrest.

In that view of the matter, the appeal is dismissed as not maintainable, with the observation that if the appellants surrender before the court, the court below shall be at liberty to consider and dispose of the case of the appellants in the light of the decision rendered in the case of *Mahendra Prasad Singh Vs. The State of Bihar*, reported in (2004) 3 PLJR 491.

Office shall ensure that all defects are removed by the appellants within the stipulated time provided in para 2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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