

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1889 of 2020

Arising Out of PS. Case No.-90 Year-2018 Thana- JANTA BAZAR District- Saran

1. Ramzan Miya @ Ramjan Ansari S/o Ali Akhtar Miya Resident of Village-Panditpur, P.S.-Janta Bazar, District-Saran.
2. Manan Miya S/o Ramzan Miya @ Ramjan Ansari Resident of Village-Panditpur, P.S.-Janta Bazar, District-Saran.
3. Jamshed Miya S/o Ramzan Miya @ Ramjan Ansari Resident of Village-Panditpur, P.S.-Janta Bazar, District-Saran.
4. Subham Miya @ Subhan Ansari S/o Ali Akhtar Miya Resident of Village-Panditpur, P.S.-Janta Bazar, District-Saran.
5. Firoz Miya S/o Ali Akhtar Miya Resident of Village-Panditpur, P.S.-Janta Bazar, District-Saran.

... .. Appellants

Versus

The State of Bihar

... .. Respondents

Appearance :

For the Appellants : Mr. Harish Kumar, Advocate
For the Respondent : Mr. Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 15-01-2021

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal under Section 14A(2) of the Scheduled Castes and the Schedules Tribes (Prevention of Atrocities) Act, 1989 (for short 'the SC/ST Act') has been preferred by the appellant against the order dated 19.02.2020 passed by the learned Additional District & Sessions Judge 1st-cum-Special Judge, SC/ST, Saran in A.B.P. No.419 of 2020 whereby the prayer for grant of pre-arrest bail of the appellant in



connection with Janta Bazar P.S. Case No.90 of 2018 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act, has been rejected.

3. Learned counsel appearing for the appellants contended that in the said case, the police have submitted final report holding the accusation to be false. The final report submitted by the police has also been accepted by the court and a protest complaint filed by the informant in the police case was directed to be instituted as a complaint case.

4. The submission made by the learned counsel for the appellants may be true, but the manner in which the memo of appeal has been drafted, it appears that the appellants are challenging the order rejecting the pre-arrest bail application in the police case in which final form has already been submitted and accepted by the court.

5. In view of the fact that in the police case, no cognizance has been taken and the final report submitted by the police has been accepted by the court, the appellants have no apprehension of arrest in the police case. Hence, the application for grant of pre-arrest bail before the court below itself was not maintainable. Similarly, the appeal against the impugned order passed in the police case is also not maintainable.



6. Accordingly, the appeal is dismissed as not maintainable.

7. The appellants ought to file a proper application in the complaint case. If they would be aggrieved by the order passed by the court below, they would be at liberty to challenge the same in accordance with law.

(Ashwani Kumar Singh, J)

kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.01.2021
Transmission Date	18.01.2021

