

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5656 of 2019

Arising Out of PS. Case No.-21 Year-2018 Thana- SC/ST District- Madhubani

1. JIWAN THAKUR @ JIWANATH THAKUR Son of Late Jhappal Thakur Resident of Village - Gandhawari, P.S.- Sakari, Distt.- Madhubani.
2. Munindra Kumar Thakur @ Munindra Thakur Son of Jiban Thakur @ Jiwan Thakur @ Jibnath Thakur Resident of Village - Gandhawari, P.S.- Sakari, Distt.- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Gagan Deo Yadav
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr.Shailendra Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-12-2021 Heard the parties.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against refusal of prayer for anticipatory bail vide order dated 24.10.2019, passed by learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST) Act, Madhubani in connection with SC/ST P.S. Case No.21 of 2018, registered u/s 341, 323, 379, 354, 506, 34 of the IPC and section 3(i)(r)(s)/3(2), (va) of the SC and ST Act.

Learned counsel for the appellants submits that the appellants have been falsely implicated in this case and have no criminal antecedent. It is further submitted that the cognizance has



been taken against the appellant by the learned court below.

Learned Spl.P.P. for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail and submitted that since cognizance has been taken by the learned court below under the SC/ST Act, therefore, this appeal filed for grant of anticipatory bail is not maintainable in view of the judgment of the Hon'ble Apex Court in the case of ***Bachhu Das Vs. The State of Bihar & Ors.*** as reported in ***(2014) 3 SCC 471***.

Having considered the facts aforesaid, I am not inclined to enlarge the appellants on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail of the appellants is rejected.

However, the appellants are directed to surrender before the learned court below within a period of four weeks from the date of receipt of this order and may move for regular bail.

It is expected that the learned court below shall consider and dispose of the prayer for regular bail of the appellants preferably on the same day, in accordance with the merits of the case, without being prejudiced by this order.

The appeal is dismissed.

(Anjani Kumar Sharan, J)

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