

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1182 of 2021

Arising Out of PS. Case No.-70 Year-2019 Thana- SC/ST District- Saran

1. GANESH SINGH Son of Satyanarayan Singh Resident of Village- Jhausa Basant, P.S.- Avtar Nagar, District- Saran.
2. Bholu Singh @ Bholu Kumar Singh @ Sonu Kumar Singh Son of Nawal Singh Resident of Village- Jhausa Basant, P.S.- Avtar Nagar, District- Saran.
3. Vicky Singh @ Vicky Kumar Singh @ Vicky Kumar Son of Nawal Singh Resident of Village- Jhausa Basant, P.S.- Avtar Nagar, District- Saran.
4. Vijay Kumar Singh @ Vijay Kr. Singh S/o Bhuneshwar Singh Resident of Village- Jhausa Basant, P.S.- Avtar Nagar, District- Saran.
5. Raja Singh @ Rajan Singh @ Raja Kumar Son of Upendra Singh Resident of Village- Ratanpura Basant, P.S.- Avtar Nagar, District- Saran.
6. Rohit Singh @ Rohit Kumar Singh @ Rohit Kumar Son of Shashibhushan Singh Resident of Village- Shripal Basant, P.S.- Garkha, District- Saran.

... .. Appellants.

Versus

1. THE STATE OF BIHAR
2. Vikas Kumar Manjhi Sunil Manjhi Resident of Village-Banwari Basant,P.S-Garkha,District-Saran

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Dr. Rajesh Kumar Singh
For the Respondents	:	Mr. Binay Krishna
		Mr. Harish Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-07-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is an appeal under Section 14(A)(2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 17.12.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with SC/ST P.S. Case No. 70 of 2019 registered under Section 307/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. It is further submitted that the appellants were enjoying the privilege of Section 41 (1) of the Cr.P.C. but, later on, police has filed charge sheet against them and cognizance has been taken against them.

Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 vehemently opposing the prayer for bail submitted that in view of the judgment passed in the case of **Bachu Das Vs. State of Bihar and others** since



reported in (2014) 3 Supreme Court Cases 471 anticipatory
bail application is not maintainable before this Court.

In the facts and circumstances of the case, I am not
inclined to enlarge the appellants on bail. The prayer for bail is
hereby rejected.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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