

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2295 of 2021**

Arising Out of PS. Case No.-22 Year-2017 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

-
1. Brajendra Mishra @ Brajendra Kumar Mishra Son of Late Gayadutt Mishra Resident of Village - Rampur, P.S. - Jamhore, District - Aurangabad.
 2. Sonu Mishra @ Rajiv Ranjan Mishra S/o Brajendra Mishra Resident of Village - Rampur, P.S. - Jamhore, District - Aurangabad.
 3. Bablu Mishra @ Mritunjay Kumar S/o Brajendra Mishra Resident of Village - Rampur, P.S. - Jamhore, District - Aurangabad.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sunil Kumar Dubey
For the Respondent/s	:	Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 25-04-2022 This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’) against the refusal of prayer of anticipatory bail vide order dated 22.01.2020, passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Complaint Case No.22 of 2017, registered under Sections 323 and 504 of the Indian Penal Code and under Section 3(I)(X) of the SC/ST (POA) Act.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the



present case and after filing of the charge sheet, cognizance has been taken against the appellants. It is further submitted that the appellants have got no criminal antecedent as stated in paragraph 3 of the memo of appeal.

Learned Special P.P. for the State opposes the prayer for anticipatory bail of the appellants relying on the judgment of the Hon'ble Supreme Court in the case of *Bachu Das v. State of Bihar*, reported in (2014) 3 SCC 471.

Taking into consideration the fact that cognizance has already been taken against the appellants and the appeal filed for grant of anticipatory bail is not maintainable, I am not inclined to enlarge the appellants on anticipatory bail.

Accordingly, the prayer for anticipatory bail of the appellants is rejected.

(Anjani Kumar Sharan, J.)

Sanjay/-

U		T	
---	--	---	--

