

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2851 of 2021

Arising Out of PS. Case No.-171 Year-2020 Thana- BIRAUL District- Darbhanga

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1. Ram Naresh Singh Son of Late Rajeshwar Singh Resident of Vill - Paghari P.S. Biraul, Distt. - Darbhanga.
 2. Aman Jha @ Aman Kumar Jha @ bambam Jha @ Bamban Mukhiya Son of Shashi Kant Jha Resident of Vill - Paghari P.S. Biraul, Distt. - Darbhanga.
 3. Ghuran Mandal Son of Maubudh Mandal @ Manbudh Mandal Resident of Vill - Thika , P.S. Biraul, Distt. - Darbhanga.

... .. Appellants.

Versus

1. The State of Bihar
2. Anita Devi W/o Kamlesh Mandal Resident of Vill - Purri Thika P.S. Biraul, Distt. - Darbhanga.

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Kedar Jha
For the Respondent/s : Mrs. Usha Kumari-1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 25-08-2022 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 15.03.2021 passed by learned 1st Additional



Sessions Judge cum Special Judge (SC/ST Act), Darbhanga in connection with Biraul P.S. Case No. 171/2020 registered under Sections 341, 323, 354B, 379, 506 & 509/34 of the Indian Penal Code and Section 3(1) (r) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have slated the informant in her caste name and assaulted her, her daughter and son.

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. Slating the informant in the name of caste is said to have been made in the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. It is further submitted that after investigation the police has submitted the final form and the learned Court below has taken cognizance against the appellants.

Learned Special PP for the State vehemently opposing the prayer for bail submitted that in view of the law laid down by the Hon'ble Apex Court 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. He further submitted in a similar nature of case against the order dated 17.05.2022 passed by this Court in Cr. Appeal (SJ) No.3264 of 2021, the appellants moved before the Hon'ble Apex Court by filing Special Leave to Appeal (Crl.) No (s).7055 of 2022, which was dismissed as withdrawn on 10.08.2022. Hence, the appellants do not deserve anticipatory bail by this Court.

Having heard learned counsel for the parties, I am not inclined to enlarge the appellants on bail. The prayer for anticipatory bail is hereby rejected.

However, the appellants are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order on the same day in accordance with law.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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