

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1804 of 2022**

Arising Out of PS. Case No.-10 Year-2021 Thana- GHOSI District- Jehanabad

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1. RAJEEV KUMAR Sj/o Bhubali Ram Resident of Village- Bharthu, P.S.- Ghosi, District- Jehanabad.
 2. Santosh Kumar @ Santosh Singh S/o Amren Singh Resident of Village- Bharthu, P.S.- Ghosi, District- Jehanabad.

... .. Appellants.

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Ritika Rani, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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

3 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 30.04.2022 passed by learned District & Sessions Judge, Jehanabad in connection with Ghosi P.S. Case



No.10/2021, giving rise to SC/ST P.S. Case No.2/2022, registered under Sections 302/120B of the Indian Penal Code and Section 3(2) (r) (s) & 3 (2) (vi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The father of the informant is said to have been killed by the appellants.

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. It is further submitted that during course of investigation it is found that the informant died due to over drinking. It further submitted that appellant no.1 is labourer and appellant no.2 is constable. An application has also been sent to the Director General of Police, Bihar, Patna by the villagers about the false implication of the appellants as the deceased has died after taking liquor in his house. Appellants have no criminal antecedent. It is also submitted that after investigation the police has submitted the final form but differing with the final form the learned Court below has taken cognizance against the appellants. Appellants have no criminal antecedent as mentioned in paragraph-3 of this memo of appeal.

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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