

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2718 of 2022

Arising Out of PS. Case No.-74 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

-
1. NARSINGH YADAV Son of Late Thithar Yadav Resident of Vill.- Singhaso, P.S.- Bisfi, District - Madhubani.
 2. Anil Yadav @ Anil Kumar Yadav Son of Narsingh Yadav Resident of Vill.- Singhaso, P.S.- Bisfi, District - Madhubani.
 3. Naveen Yadav @ Naveen Kumar Yadav Son of Narsingh Yadav Resident of Vill.- Singhaso, P.S.- Bisfi, District - Madhubani.
 4. Ajit Yadav @ Ajeet Kumar Yadav Son of Narsingh Yadav Resident of Vill.- Singhaso, P.S.- Bisfi, District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Masomat Reeta Devi @ Rita Devi R/o Vill.- Singhaso, Tole Gangi Yamuni, P.S.- Bisfi, District - Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kedar Jha, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-09-2022 **Re:- I.A. No.1 of 2022**

This interlocutory application has been filed for extension of the period of limitation in filing this memo of appeal.

Considering, the grounds taken in the interlocutory application, the limitation period is extended.

Accordingly, I.A. No.1/2022 is hereby allowed and disposed of.

Re:- Cr. Appeal (SJ) No.2718 of 2022

Heard learned counsel for the appellants and learned



Special Public Prosecutor for the State.

Learned counsel for the appellants is directed to remove the defects as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within stipulated 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 for anticipatory bail vide order dated 24.03.2022, passed by learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST (POA) Act, Madhubani, in connection with C.R. Case No.74/2019, registered under sections 341/323/354B/427/504/34 of the IPC and sections 3(2) (V) of the SC/ST Act.

Appellants are alleged to have abused the informant by caste name and also they are alleged to have assaulted her.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. Appellants have criminal antecedent as mentioned in para-3 of the memo of appeal. It is submitted that



the complaint petition is not applicable under the SC/ST (POA) Amended Act, 2018 and therefore, no offence is made out against the appellants.

Learned Spl. PP for the State opposed the prayer for bail and submits that cognizance has been taken against the appellants, therefore, anticipatory bail is not maintainable. He has relied upon the judgment of the Apex Court in the case of ***Bachu Das vs. State of Bihar and Others***, as reported in **(2014) 3 SCC 471**.

Considering the facts and circumstances of the case, I am not inclined to enlarge the appellants on anticipatory bail. The prayer for grant of anticipatory bail on their behalf is rejected.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

pallavi/-

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

