

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2830 of 2022

Arising Out of PS. Case No.-67 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Chunchun Kumar Son of Madan Chaurasia Resident of Village - Gandhi Nagar, Road no.2, P.s.- Begusarai Town, Distt.- Begusarai (Working as Panchyat Rojgar Sewak).

... .. Appellant/s

Versus

1. The State of Bihar
2. Sita Devi W/o ChamanDev Sharma Resident of Village - Jagdishpur, P.s.- Bhagwanpur, Distt.- Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shubhesh Pandey, Advocate
For the Respondent/s : Mr. Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-11-2022 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 15.07.2022 in A.B.A. No. 1459 of 2022 passed by the learned Exclusive Special Judge, SC/ST Act, Begusarai in Complaint Case No. 67 c of 2019 registered under Sections 341, 323, 467, 468, 471, 420 and 34 of the Indian Penal Code.

According to the prosecution case, on 20.05.2013 at about 05:00 a.m. all the accused persons including the appellant along with unknown persons came to the house of the informant and abused her by calling her caste name and refused to make



payment of her wages

Learned counsel for the appellant submits that the appellant is innocent and he has not committed any offence and he has falsely been implicated in the present case. He further submits that there is general and omnibus allegation against the appellant and no case is made out under the SC/ST Act against the appellant. He further submits that the police after investigation submitted the charge sheet in this case on 17.06.2016 but the special court below differing with the same has taken cognizance on 11.12.2019. He further submits that the co-accused, namely, Shambhu Kumar has been granted anticipatory bail vide order dated 18.02.2020 passed in Cr. Appeal (SJ) No. 1939 of 2020.

Learned counsel for the State vehemently opposed the prayer of bail petition and submits that in view of the judgment reported in 2014 3 SCC Page 471 Bachu Das vs. State of Bihar and others, the present petition is not maintainable and the same should be dismissed. He further submits that it is admitted position that the Special Court below has taken cognizance on 11.12.2019 and in view of the aforesaid judgment and Section 18 of the SC/ST Act, the present anticipatory bail is not maintainable.



Considering the aforesaid fact, the impugned order is affirmed and this appeal stands dismissed.

(Rajesh Kumar Verma, J)

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