

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.602 of 2021

Arising Out of PS. Case No.-29 Year-2017 Thana- SC/ST District- Saran

-
1. SURESH SINGH @ SURESH KUMAR SINGH S/o Late Bhikhari Singh Resident of village Kharika, P.O. - Kharika, P.S. - Sonapur, District - Saran.
 2. UMESH SINGH S/O Late Bhikhari Singh Resident of village Kharika, P.O. - Kharika, P.S. - Sonapur, District - Saran.
 3. AKASH KUMAR S/o Ramesh Singh Resident of village Kharika, P.O. - Kharika, P.S. - Sonapur, District - Saran.
 4. SURENDRA SAH S/o Yogendra Sah Resident of village Kharika, P.O. - Kharika, P.S. - Sonapur, District - Saran.
 5. DAMODAR SAH S/O Yogendra Sah Resident of village Kharika, P.O. - Kharika, P.S. - Sonapur, District - Saran.
 6. RAJ DEO SINGH S/o Bhuwan Singh Resident of village Kharika, P.O. - Kharika, P.S. - Sonapur, District - Saran.
 7. KALI PRASAD SINGH S/O Sudarshan Singh Resident of village Kharika, P.O. - Kharika, P.S. - Sonapur, District - Saran.

... .. Appellants.

Versus

1. The State of Bihar
2. Ganga Paswan Son of Late Rama Ram R/O vill- Kharika, P.S.- Sonapur, Dist- Saran

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. N. K. Agrawal, Senior Advocate Ms. Preety Kunwar, Advocate
For the State	:	Mrs. Usha Kumari-1, Special P.P.
For the Respondent No.2:	:	Mr. Satya Prakash Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 25-08-2022 Heard Mr. N.K. Agrawal, learned senior counsel, assisted by Ms. Preety Kunwar for the appellants, learned counsel for the respondent no.2 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 15.10.2022 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with SC/ST P.S. Case No. 29 of 2017 registered under Sections 147, 341, 323, 325, 307, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) / 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that while the informant was going to earn his livelihood, all the appellants are said to have restrained him not to do own work but he was not ready as he was working at some other place, they assaulted and slated him in his caste name.

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. There is inordinate and abnormal delay of 25 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. 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. 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)

Trivedi/-

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

