

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3329 of 2022

Arising Out of PS. Case No.-18 Year-2020 Thana- MAHILA P.S. District- Sitamarhi

1. SADANAND THAKUR S/O LATE BASUDEO THAKUR Resident of vil-
lage- Kamalpura, Ward No- 12, P.S.- Sitamarhi, District- Sitamarhi.
2. TARA DEVI W/O SADANAND THAKUR Resident of village- Kamalpura,
Ward No- 12, P.S.- Sitamarhi, District- Sitamarhi.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-12-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

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 24.06.2022 passed by learned Additional District and Sessions Judge – VI cum Special Judge, (POCSO) Act, Sitamarhi in connection with Mahila P.S. Case No.18 of 2020, registered under Sections 376 of the Indian Penal Code, section 4 and 8 of POCSO Act and Section 3(i) (r) (w) 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

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. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste. He further submits that after investigation, police has submitted final form against the appellants but differing with the same, court below has taken cognizance against the appellants. Appellant has one criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. P.P for the State opposed the prayer for bail and submits that cognizance has been taken against the appellants.

In view of the order passed by the Hon'ble Supreme Court in **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.

Accordingly, this appeal is dismissed as not maintainable.

(Anjani Kumar Sharan, J)

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