

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3353 of 2022**

Arising Out of PS. Case No.-12 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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RAHUL KUMAR @ RAHUL JHA Son of Shashidhar Jha @ Shashi Shekhar
Jha Resident of Village - Bikramshila Rampur, P.S.- Kahalgaon, District -
Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Kumar Paswan Son of Sri Daresh Paswan Resident of Village -
Tintenga, Karari, P.S.- Gopalpur, District - Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-11-2022 Heard learned counsel for the appellant and the State.

Instant appeal has been filed for grant of pre-arrest
bail in a case instituted for the offence punishable under sections
420/406/120B and other ancillary sections of the IPC read with
sections 3(1)(x) of the SC/ST (POA) Act.

It is submitted by learned counsel for the appellant
that the police after investigation submitted final form in the
case but differing with the same, Court below took cognizance
of the offence punishable under SC/ST Act.

Learned counsel appearing for the State submits that
once cognizance of the offence is taken under the SC/ST Act,
pre-arrest bail petition is not maintainable in view of judgment



of the Supreme Court in case of Bachu Das Vs. State of Bihar and others (Criminal Appeal No.314 of 2014 (arising out of SLP(Cri) No.8558 of 2010).

In view of the aforesaid judgment of the Hon'ble Supreme Court, this appeal seeking pre-arrest bail to the appellant, is dismissed as not maintainable.

(Prabhat Kumar Singh, J)

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