

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3356 of 2022

Arising Out of PS. Case No.-43 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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1. Pappu Yadav Son of Hiralal Yadav R/O Village- Parvatiya Tola, P.S.- Muffasil, District- West Champaran
 2. Yadolal Yadav Son of Late Shivdhar Yadav Resident of Village- Parvatiya, P.S.- Muffasil, District- West Champaran
 3. Amerika Yadav Son of Late Shivdhar Yadav Resident of Village- Parvatiya Tola P.S.- Muffasil, District- West Champaran

... .. Appellants

Versus

1. The State of Bihar
2. Puja Devi W/O Sri Chandan Ram Resident of Mohalla- Ambedkar Colony, Ward No- 31, P.S.- Bettiah Town, District- West Champaran

... .. Respondents

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

Instant appeal has been filed for grant of pre-arrest bail in a case instituted for the offence punishable under sections 379/34 and other ancillary sections of the IPC read with sections 3(1)(r)(w) and 3 (2)(va) of the SC/ST (POA) Act.

It is submitted by learned counsel for the appellants 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 appellants, is dismissed as not maintainable.

(Prabhat Kumar Singh, J)

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