

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3385 of 2022**

Arising Out of PS. Case No.-76 Year-2020 Thana- SC/ST District- East Champaran

1. Lal Babu Sahani Son Of Late Mahesh Sahani Resident Of Village- Sapahi, P.S.- Raghunathpur, O.P.- District- East Champaran
2. Heera Lal Sahani Son Of Lal Babu Sahani Resident Of Village- Sapahi, P.S.- Raghunathpur, O.P.- District- East Champaran
3. Rakatu Sahani @ Munna Kumar @ Munna Sahani Son Of Lal Babau Sahani Resident Of Village- Sapahi, P.S.- Raghunathpur, O.P.- District- East Champaran

... .. Appellants

Versus

1. The State Of Bihar
2. Sunita Devi W/O Achhe Lal Paswan Resident Of Village- Sapahi, P.S.- Raghunathpur, O.P.- District- East Champaran

... .. Respondents

Appearance :

For the Appellant/s : Mr.Anil Kumar, Advocate

For the Respondent/s : Ms/Mrs. Usha Kumari 1, 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 East Champaran SC/ST Police Station Case No. 76 of 2020 instituted for the offence punishable under sections 379/34 and other ancillary sections of the IPC read with sections 3(i)(r) (s)(w (i)(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 AppealNo.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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