

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3382 of 2022**

Arising Out of PS. Case No.-35 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

RAKESH KUMAR Son of Late Janardan Prasad Resident of Village -
Ramgrahwa, P.S.- Ramgrahwa, District - East Champaran

... .. Appellant

Versus

1. The State of Bihar
2. Ache Lal Ram Son of Late Kuldeep Ram Resident of Village - Ramgarhwa
Bazar, P.S.- Ramgarhwa, District - East Champaran

... .. Respondents

=====

Appearance :

For the Appellant : Mr.Vijay Shankar Shrivastava, Advocate

For the Respondents : Mr.Sadanand Paswan, Spl. Public Prosecutor

=====

**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
323/504 and other ancillary sections of the IPC read with
sections 3(1)(r)(s) 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 on the protest petition, 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)

shashi/-

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

