

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4032 of 2019**

Arising Out of PS. Case No.-63 Year-2017 Thana- SC/ST BETTIAH District- West
Champaran

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1. RAJESH MISHRA Son of Late Narendra Mishra Resident of Village - Mahuawa, P.S.- Shikarpur, Dist.- West Champaran at Bettiah.
 2. Sk. Farukh @ Umar Faruque Son of Late SK. Ahmad Resident of Village - Mahuawa, P.S.- Shikarpur, Dist.- West Champaran at Bettiah.
 3. Vijay Singh Son of Late Amar Singh Resident of Village - Binwalia, P.S.- Shikarpur, Dist.- West Champaran at Bettiah.
 4. Chulbul Singh Son of Vijay Singh Resident of Village - Binwalia, P.S.- Shikarpur, Dist.- West Champaran at Bettiah.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raghunandan Kumar Singh
For the Respondent/s	:	Mr.Binay Krishna
For the Informant	:	Mr.Manaur Alam

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

15 05-04-2022 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

This is an appeal under section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 12.07.2019, passed by learned Additional Sessions Judge-1st-cum- Spl. Judge, (SC/ST/POCSO), West Champaran at Bettiah, in connection with Bettiah SC/ST P.S. Case No.63 of 2017,



registered under sections 447, 341, 323, 379, 504, 506/34 of the IPC and sections 3 (i) (r) (ii) (v-a) of the SC/ST (POA) Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence has not taken place in the public view. After investigation, the police has submitted the final form against the appellants, thereafter the court below, differing with the final form, has taken cognizance against the appellants. It is further submitted that earlier the respondent no.2 has also filed a criminal case against the appellant no.1 and after investigation, final form was submitted and court below accepted the same. Appellant no.1 has one criminal antecedent while other appellants have no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for anticipatory bail by submitting that cognizance has been taken by the learned court below, therefore, the prayer for anticipatory bail is not maintainable, in view of the judgment of the Apex Court in ***Bachu Das vs. State of Bihar and Others***, as reported in (2014)



3 SCC 471.

Considering the facts and circumstances of the case, in view of ***Bachu Das (supra)*** case, this appeal is not maintainable.

Accordingly, the instant appeal is dismissed.

(Anjani Kumar Sharan, J)

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