

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.851 of 2023

Arising Out of PS. Case No.-23 Year-2019 Thana- SC/ST District- Patna

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1. SATYENDRA SINGH S/O LATE PARAMHANSH SINGH R/v- Naya Tola, Harnahiya, P.S.- Bakhtiyarpur, District- Patna
 2. SUMIT KUMAR S/O SATYENDRA SINGH R/v- Naya Tola, Harnahiya, P.S.- Bakhtiyarpur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. DINESH PASWAN S/O LAL DEO PASWAN R/v- Sonbarsha, P.S.- Salimpur, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Chandra
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Mayank Mani
		Mr. Sunil Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-08-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 03.01.2023 passed by learned Exclusive Special Judge, SC/ST, Patna, in connection with Special Case No.23 of 2019, registered under Sections 379 and other allied Sections of the



Indian Penal Code and Section 3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, the appellants and other co-accused persons abused the complainant by taking caste name and also assaulted him.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste. He further submits that after investigation, police has submitted final form against the appellants but differing with the same, court below has taken cognizance against the appellants and issued summon. Appellants have two criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. P.P for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail and submits that cognizance has been taken against the appellants.

6. In view of the order passed by the Hon'ble Supreme



Court in **Bachu Das Vs. State of Bihar and others since reported in (2014) 3 Supreme Court Cases 471** anticipatory bail application is not maintainable before this Court.

7. Accordingly, this appeal is dismissed as not maintainable.

(Anjani Kumar Sharan, J)

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