

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2021 of 2021**

Arising Out of PS. Case No.-735 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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1. SEEMA GUPTA W/O DEVANAND SAH R/O ROAD NO. 5, WARD NO. 23, KAMAL NATH NAGAR, P.S.- BETTIAH NAGAR, DISTRICT- WEST CHAMPARAN
 2. GAURAV KUMAR GUPTA @ GAURAV GUPTA SON OF DEVANAND SAH R/O ROAD NO. 5, WARD NO. 23, KAMAL NATH NAGAR, P.S.- BETTIAH NAGAR, DISTRICT- WEST CHAMPARAN
 3. ABHISHEK KUMAR GUPTA @ ABHISHEK GUPTA SON OF DEVANAND SAH R/O ROAD NO. 5, WARD NO. 23, KAMAL NATH NAGAR, P.S.- BETTIAH NAGAR, DISTRICT- WEST CHAMPARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Nand Kishore Mahto S/O- Jung Bahadur Mahto R/O- Near Durga bagh Mandir, Ward- 32, P.S.- Nagar Bettiah, Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Hemant Kumar
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Bimlesh Kumar Pandey

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

6 19-07-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

2. Vide order dated 21.06.2023, learned Spl.PP for the State was directed to file a detailed counter-affidavit in the present case but it has not been filed.

3. 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 11.02.2021 passed by learned 1st Additional District and Sessions Judge cum Special Judge SC/ST, Bettiah, West Champaran in connection with Bettiah Nagar P.S. Case No.735 of 2020, registered under Sections 406 and 420 of the Indian Penal Code, and sub-section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, on account of money dispute, the appellants and other co-accused persons abused the respondent no.2 by taking caste name and also threatened to harm him and his property.

5. 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. There is no allegation of slating the informant in the specific name of his caste. There is a case and counter-case between the parties. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

6. 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.

7. 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.

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

(Anjani Kumar Sharan, J)

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