

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2790 of 2021

Arising Out of PS. Case No.-25 Year-2020 Thana- SC/ST District- Araria

1. GOVIND KAHAR SON OF LATE SADHU KAHAR RESIDENT OF VILLAGE- BANGALI TOLA MAJHUWA WEST WARD NO. 13, POLICE STATION- RANIGANJ, DISTRICT- ARARIA
2. BIREN KAHAR @ BIRENDRA KAHAR SON OF GOVIND KAHAR RESIDENT OF VILLAGE- BANGALI TOLA MAJHUWA WEST WARD NO. 13, POLICE STATION- RANIGANJ, DISTRICT- ARARIA
3. DHIREN KAHAR SON OF GOVIND KAHAR RESIDENT OF VILLAGE- BANGALI TOLA MAJHUWA WEST WARD NO. 13, POLICE STATION- RANIGANJ, DISTRICT- ARARIA
4. KUMARI DEVI @ KAMALI DEVI WIFE OF GOVIND KAHAR RESIDENT OF VILLAGE- BANGALI TOLA MAJHUWA WEST WARD NO. 13, POLICE STATION- RANIGANJ, DISTRICT- ARARIA
5. PHULWATI DEVI DAUGHTER OF GOVIND KAHAR RESIDENT OF VILLAGE- BANGALI TOLA MAJHUWA WEST WARD NO. 13, POLICE STATION- RANIGANJ, DISTRICT- ARARIA
6. RAMESH KAHAR SON OF AMIR CHAND KAHAR RESIDENT OF VILLAGE- BANGALI TOLA MAJHUWA WEST WARD NO. 13, POLICE STATION- RANIGANJ, DISTRICT- ARARIA
7. HARI KRISHNA KAHAR SON OF MATHURA KAHAR @ SADHUR KAHAR RESIDENT OF VILLAGE- BANGALI TOLA MAJHUWA WEST WARD NO. 13, POLICE STATION- RANIGANJ, DISTRICT- ARARIA

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Chedi Rishideo Kalru Risideo R/O Village-Sharnarathi Tola, Majhua West, P.S.-Raniganj, District-Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mukesh Kumar Rana
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 12-07-2023 Heard learned counsel for the appellants, learned counsel
for the respondent no.2 and learned Special Public Prosecutor
for the State.



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 17.02.2021 passed by learned 1st Additional Sessions cum Special Judge, Araria in connection with Araria (SC/ST) P.S. Case No.25 of 2020, registered under Sections 323, 354, 504, 506/34 of the Indian Penal Code and 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellants assaulted the informant and his wife and also abused them by taking caste name.

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. Appellants have no



criminal antecedent as mentioned in para-3 of memo of appeal.

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.

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.

Accordingly, this appeal is dismissed as not maintainable.

(Anjani Kumar Sharan, J)

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