

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2096 of 2023

Arising Out of PS. Case No.-254 Year-2020 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

RAJU SINGH S/O LATE RAMSAJJAN SINGH R/O Village- Gopalmath,
P.S- Thawe, Distt.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Suman Devi W/O Sunil Ram R/O Village- Gopalmath, P.S- Thawe, Distt.- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prince Kumar Mishra, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-08-2023 Heard learned counsel appearing on behalf of
appellant and Spl. Public Prosecutor.

2. This appeal has been filed against the order dated 31.03.2023 passed in connection with Complaint Case No. 254 of 2020 by learned Additional Sessions Judge III-cum-SC/ST Special Court, Gopalganj, registered under Sections 341, 323, 379, 354 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per prosecution case, the appellant abused by caste name and assaulted the complainant and tried to outrage her modesty.



4. Learned Spl. Public Prosecutor appearing for the State submits that this anticipatory bail is not maintainable as the court below has already taken cognizance of the offence punishable under Sections 323, 341, 354 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. In this connection, he refers to a decision of the Hon'ble Supreme Court, passed in case of ***Bachu Das Vs State of Bihar and others***, reported in **Cr. Appeal No. 314 of 2014**.

5. Considering the facts and circumstances of the case as also the law laid down by the Hon'ble Supreme court in case of Bachu Das (*supra*), instant appeal filed for pre-arrest bail to the appellant, is dismissed as being not maintainable.

(Prabhat Kumar Singh, J)

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