

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2120 of 2023

Arising Out of PS. Case No.-48 Year-2019 Thana- BALIGAON District- Vaishali

MUNNA PRASAD SINGH @ MUNNA PRASAD @ GRIDHAR KUMAR VERMA @ SRIDHAR KUMAR VERMA Son of Late Sharda Prasad @ Late Sharda Prasad Verma R/O vill.- Siddhrth Hotel (Infront of Muzaffarpur Junction), P.S.- Kaji Mohammadpur, Dist.- Muzaffarpur at present R/O Vill.- Chhata Chowk, Damuchak, P.S.- Kaji Mohammadpur, Dist.- Muzaffarpur
... .. Appellant/s

Versus

1. The State of Bihar
2. Butan Das Son of Late Manrup Das R/O- Champapur, P.S.- Baligaon, Dist.- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan No.1, Advocate Ms. Priyanka Kumari, Advocate Mr. Ajay Veer, Advocate Ms. Anjana Gupta, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, 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 27.03.2023 passed in connection with Baligaon P. S. Case No. 48 of 2019 by learned Special Judge- SC/ST, Vaishali at Hajipur, registered under Sections 307, 323, 379, 420, 406 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 along with other accused person abused by caste name and assaulted the informant.



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. 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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