

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2265 of 2023

Arising Out of PS. Case No.-28 Year-2020 Thana- SC/ST District- Purnia

1. BASUDEV SAH SON OF LATE LELHU SAH RESIDENT OF VILLAGE- SAHURIYA, PS- JANKI NAGAR, DIST- PURNEA
2. GONAR SAH SON OF LATE NIRDHAN SAH RESIDENT OF VILLAGE- SAHURIYA, PS- JANKI NAGAR, DIST- PURNEA
3. MANOJ SAH @ MANOJ KUMAR SON OF GONAR SAH RESIDENT OF VILLAGE- SAHURIYA, PS- JANKI NAGAR, DIST- PURNEA
4. SANTOSH SAH @ SANTOSH @ SATOSH KUMAR SON OF GONAR SAH RESIDENT OF VILLAGE- SAHURIYA, PS- JANKI NAGAR, DIST- PURNEA
5. PANKAJ KUMAR SON OF GONAR SAH RESIDENT OF VILLAGE- SAHURIYA, PS- JANKI NAGAR, DIST- PURNEA
6. RAHUL KUMAR SON OF BASUDEV SAH RESIDENT OF VILLAGE- SAHURIYA, PS- JANKI NAGAR, DIST- PURNEA
7. RANI DEVI WIFE OF BABLU SAH RESIDENT OF VILLAGE- SAHURIYA, PS- JANKI NAGAR, DIST- PURNEA
8. SOMANI DEVI WIFE OF GONAR SAH RESIDENT OF VILLAGE- SAHURIYA, PS- JANKI NAGAR, DIST- PURNEA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. GOPAL SHARMA SON OF LATE BADAR SHARMA RESIDENT OF VILLAGE- SAHURIYA, WARD NO. 11, PS- JANKI NAGAR, DIST- PURNEA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ram Prawesh Kumar
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Deepak Kumar
		Mr. Ajay Kumar Prasad
		Mr. Kamal Kishor Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-10-2023 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 19.04.2023 passed by learned Special Judge, SC/ST Act, Purnea in connection with SC/ST P.S. Case No.28 of 2020, registered under Sections 504, 506 and other allied Sections of the Indian Penal Code and Section 3(1) (r) (s)/3(2) (Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, the appellants who are the neighbours of the complainant forcibly wanted to capture the vacant land of the complainant. On protest by the complainant, the appellants assaulted the complainant's side badly and also abused them by taking caste name.

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 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 submits that appellant nos.5, 6, 7 and 8 have been



granted benefit of Section 41A of the Cr.PC. He further submits that after investigation, police has submitted final form against the appellant nos.1, 2, 3 and 4 but differing with the same, court below has taken cognizance against the appellants. Appellants has no 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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