

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2467 of 2022

Arising Out of PS. Case No.-24 Year-2015 Thana- SC/ST District- Darbhanga

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1. GULAB DEVI Wife of Singheshwar Sahni, Resident of village - Pohadi, P.S.- Bahera, District - Darbhanga.
 2. Singheshwar Sahni Son of Late Baldev Sahni, Resident of village - Pohadi, P.S.- Bahera, District – Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramchandra Safi Son of Late Sone Safi, Resident of village - Pohadi, P.S.- Bahera, District – Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms.Madhubala Verma
For the Respondent/s	:	Mr.Binay Krishna
		Mr. Girish Chandra Jha Ashish

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 25-01-2023 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the appellants as well as the learned Special Public Prosecutor for the State and also heard the learned counsel for the informant.

This appeal has been preferred on behalf of the appellant under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 11.06.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (POA) Act,



Darbhanga in A.B.P. No. 441 of 2021, arising out of Darbhanga SC/ST P.S. Case No. 24 of 2015 registered for offence punishable under sections 341, 323, 447, 354, 504/34 of the Indian Penal Code and sections 3 (i) (x), 3 (i) (xi), 3 (i) (xv) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

Paragraph 2 of this appeal shows that in the year 2016, the appellants had filed their anticipatory bail petitions as Cr. Appeal (SJ) Nos. 1219 of 2016 and 1317 of 2016, which were withdrawn and thereafter, they filed their anticipatory bail petition before the learned court below in the year 2021.

The learned counsel for the appellants has submitted that the reason for delay in filing anticipatory bail petition was that the court was vacant.

The submission of the learned counsel for the appellants does not appear credit worthy because there is no restriction for filing of the bail petition even if the court is vacant.

Considering the above-mentioned facts and circumstances, the appellants are directed to surrender before the court below and make a prayer for regular bail, that shall be disposed of on the same day.



With these observations, this appeal is disposed of.

Office shall ensure that all defects are removed by the appellants within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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