

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.68 of 2021

Arising Out of PS. Case No.-97 Year-2020 Thana- BARHAT District- Jamui

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1. Raju Yadav Son Of Dhaneshwar Yadav Resident Of Village-Bhandra, P.S.-Barhat And District-Jamui.
 2. Sakendra Yadav Son Of Dhaneshwar Yadav Resident Of Village-Bhandra, P.S.-Barhat And District-Jamui.
 3. Shailendra @ Birendra Yadav Son Of Dhaneshwar Yadav Resident Of Village-Bhandra, P.S.-Barhat And District-Jamui.
 4. Chhabila Yadav Son Of Dhaneshwar Yadav Resident Of Village-Bhandra, P.S.-Barhat And District-Jamui.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandradev Das Kaleshwar Das Resident of Village-Tapovan, P.S.-Barhat, District-Jamui

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Akash Raj
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 26-07-2023 Heard learned counsel for the appellants, 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, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 10.09.2020, passed by learned Additional District and Sessions Judge 1st cum-Special Judge, Jamui in connection with Barhat P.S. Case No. 97 of 2020, registered under Sections 147, 148, 149, 341, 323, 324, 354A, 337, 338 and 34 of the IPC and



Sections 3(i) (r)(s) and Section 3(2)(x) of SC/ST Act.

3. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

4. However, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2 opposing the prayer for bail submit that the cognizance has been taken against the appellants in this case.

5. Considering the fact that cognizance has been taken against the appellants, this appeal is dismissed as not maintainable in view of the judgment of the Apex Court in the case of *Bachu Das vs. State of Bihar and others* reported in (2014) 3 Supreme Court Cases 471.

(Anjani Kumar Sharan, J)

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