

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3110 of 2023

Arising Out of PS. Case No.-46 Year-2022 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. PRAMOD KUMAR SINGH Son of Late Suresh Singh Resident of village - Dadhapi, P.S. - Bandeya, Distt. - Aurangabad
 2. Ramesh Singh @ Ramesh kumar Son of Pramod Kumar Singh Resident of village - Dadhapi, P.S. - Bandeya, Distt. - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Indrapadi Devi Wife of Amrendra Rajak Resident of village - Dadhapi, P.S. - Bandeya, Distt. - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravindra Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2023 Heard learned counsel for the appellants 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 13.06.2023 passed by learned 1st Additional District & Sessions Judge, A.D.J.-Cum-Special Judge, Aurangabad, Bihar in connection with Complaint Case No.46 of 2023, registered under Sections 341, 323, 307, 379 and 504/34 of the Indian Penal Code and Section 3 (1)(iii), 3(i)(x) 3(i)(r),



3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. The learned Court below failed to appreciate that there is no any official witness or observer in whose presence election was being conducted and the fact is that there was no such official present to conduct election nor there was any notice of the same. Appellant no.1 has got one criminal antecedent and appellant no.2 has got no criminal antecedent as mentioned in para-3 of memo of appeal.

4. Learned Spl. PP for the State opposes the prayer for bail and submits that the cognizance has been taken against the appellants. Relying upon the judgment of Hon'ble Apex Court passed in the case of *Bachu Das v/s. State of Bihar* (2014) 3 SCC 471 whereby the Hon'ble Apex Court held that the Anticipatory Bail of offences under sections of SC/ST (POA) is not maintainable after the cognizance has been taken by the learned Court below.

5. In the facts and circumstances of the case and the fact that the cognizance has been taken against the appellants and the judgment of the Hon'ble Apex Court passed in the case



of *Bachu Das (supra)* case, I am not inclined to enlarge the appellants on bail in connection with Complaint Case No.46 of 2022. Accordingly, this appeal for anticipatory bail is hereby rejected.

6. However, if the appellant surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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