

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3928 of 2022

Arising Out of PS. Case No.-290 Year-2018 Thana- LAUKAHA District- Madhubani

1. SHAMBHU KUMAR SUMAN @ SHAMBHU KUMAR DHANKHOTI
Son of Ghoteswar Dhankhoti Resident of village - Bhaghmaria, P.S.-
Laukaha, District - Madhubani.
2. Shailendra Dhankhoti @ Shailendra Kumar Yadav Son of Ghoteswar
Dhankhoti Resident of village - Bhaghmaria, P.S.- Laukaha, District -
Madhubani.
3. Krishandeo Dhankhoti @ Krishandev Yadav Son of Nepali Dhankhoti @
Nepali Yadav Resident of village - Bhaghmaria, P.S.- Laukaha, District -
Madhubani.
4. Ram Pravesh Mahto @ Praves Kumar Son of Uttim Lal Mahto Resident of
village - Bhaghmaria, P.S.- Laukaha, District - Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Singh, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-01-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove
the defects within four weeks. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the Bench.

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 31.05.2022 passed by learned learned Additional Sessions Judge cum Special Judge (SC/ST Act), Madhubani in connection with Laukaha P.S. Case No. 290/2018 registered under Sections 147, 148, 341, 323, 504, 506, 379 of the Indian Penal Code and Section 3(i) (g) (r) of the Scheduled Castes and Scheduled Tribes Act.

The prosecution case, in brief, is that when informant was harvesting the paddy crops, appellants reached there and started looting the paddy crops from his field. They assaulted him and abused him by taking his caste name.

It is submitted by learned counsel for the appellants that appellants are quite innocent and committed no offence. They have been falsely implicated in this case due to village politics. Appellants have no concern with the aforesaid occurrence. It is further submitted that after investigation the police has submitted the final form and the learned Court below has taken cognizance against the appellants. Appellants have one criminal antecedent as mentioned in paragraph-3 of this memo of appeal.

Learned Spl. PP for the State vehemently opposed the prayer for bail by placing reliance upon the judgment of Apex Court in the case of *Bachu Das Vs. State of Bihar and others*,



reported in *(2014) 3 Supreme Court Cases 471* and submitted that anticipatory bail application is not maintainable before this Court when cognizance has been taken.

In the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. The prayer for bail is hereby rejected.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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