

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.249 of 2024

Arising Out of PS. Case No.-380 Year-2018 Thana- GHORASAHAN District- East
Champaran

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1. Ramji Mahto Son Of Jai Mangal Mahto Resident Of Village - Mahdeva, P.S. - Ghorasahan, District - East Champaran
 2. Vilas Thakur Son Of Methur Thakur Resident Of Village - Mahdeva, P.S. - Ghorasahan, District - East Champaran
 3. Dipendar Thakur @ Dipendra Thakur @ Dipendar Kumar Son Of Vilas Thakur Resident Of Village - Mahdeva, P.S. - Ghorasahan, District - East Champaran
 4. Birendra Prasad Kushwaha @ Birendra Kumar Son Of Amardeo Prasad Kushwaha Resident Of Village - Mahdeva, P.S. - Ghorasahan, District - East Champaran
 5. Ramniwas Prasad @ Ramniwas Son Of Late Bipat Prasad Resident Of Village - Mahdeva, P.S. - Ghorasahan, District - East Champaran
 6. Munna Thakur Son Of Ramchandra Thakur Resident Of Village - Mahdeva, P.S. - Ghorasahan, District - East Champaran
 7. Omprakash Kumar @ Omprakash Son Of Rajdeo Prasad Kushwaha Resident Of Village - Mahdeva, P.S. - Ghorasahan, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Shima Devi Wife Of Jitendra Ram Resident Of Village - Mahdeva, P.S. - Ghorasahan, District - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun Kumar, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-09-2024 Heard learned counsel appearing on behalf of
appellants and learned Spl. Public Prosecutor for the State.

2. This appeal has been filed against the order dated
19.10.2023 passed by learned Special Judge, SC/ST Act,



Motihari, East Champaran in connection with A.B.P. No. 4979 of 2023 arising out of Ghorasahan P.S. Case No. 380 of 2018 (Tr. No. 230 of 2019), registered under Sections 147, 149, 341, 323, 447, 427, 435, 436, 354-B, 504, 506, 380 of the Indian Penal Code and Sections 3(i)(r) of the SC/ST Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. At the outset, learned Spl. Public Prosecutor appearing for the State submits that this anticipatory bail application is not maintainable as the Court below has already taken cognizance against the appellants. In this connection, he refers to a decision of the *Hon’ble Supreme Court*, passed in case of *Bachu Das Vs State of Bihar and others*, reported in *Cr. Appeal No. 314 of 2014*.

4. Considering the aforesaid facts and circumstances of the case as also the law laid down by the *Hon’ble Supreme Court* in the case of *Bachu Das (supra)*, instant appeal filed for pre-arrest bail to the appellants, is dismissed as being not maintainable.

(Prabhat Kumar Singh, J)

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