

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.377 of 2024

Arising Out of PS. Case No.-359 Year-2020 Thana- MURLIGANJ District- Madhepura

Santosh Das @ Santosh Kumar Das Son of Shambhu Das Resident of
Village-Parwa Navtol, Ward No. 7, P.S.-Murliganj, District-Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Habri Devi W/o Yogendra Das Resident of Village-Parwa Navtol, Ward No.-
7, P.S.-Murliganj, District-Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nafisu Zzoha, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

2. This appeal has been filed against the order dated
18.12.2023 passed by learned Additional District and Sessions
Judge-I-cum-Special Judge, Madhepura in connection with
Murliganj P.S. Case No. 359 of 2020, registered under Section
302 of the Indian Penal Code, Section 27 of the Arms Act and
Sections 3(2)(v)(v-a) of the SC/ST Act, whereby the prayer for
anticipatory bail of appellant 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 of the offence punishable under Sections 302/120B of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v)(v-a) of the SC/ST Act. 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 appellant, is dismissed as being not maintainable.

(Prabhat Kumar Singh, J)

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