

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2362 of 2024

Arising Out of PS. Case No.-38 Year-2018 Thana- KALUAHI District- Madhubani

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1. Kalikant Jha S/o Late Jogan Jha Resident of Village- Barderpur, P.S.- Kaluahi, Distt. - Madhubani.
 2. Sanjeev Jha S/o Late Chandrakant Jha Resident of Village- Barderpur, P.S.- Kaluahi, Distt. - Madhubani.
 3. Vinay Kumar Jha @ Vinay Kumar Son of Kalikant Jha Resident of Village- Barderpur, P.S.- Kaluahi, Distt. - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Devi Wife of Amindar Safi Resident of Village- Barderpur, P.S.- Kaluahi, Distt. - Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Advocate
For the Respondent/s : Mr. Sadanand Paswan Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-08-2024 Heard learned counsel for the appellants and learned
Special P.P. for the State.

2. This appeal has been filed against the order dated 06.04.2024 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with Kaluahi P.S. Case No. 38 of 2018 registered under Sections 341, 323, 354B, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. At the outset, learned Special P.P. for the State



submits that in this case, cognizance has already been taken by the learned Court below under the provisions of SC/ST Act against these appellants and as such, this appeal, filed for grant of anticipatory bail to the appellants, is not maintainable, in view of the decision of the Hon’ble Supreme Court in case of ***Bachu Das Vs State of Bihar and others***, reported in **(2014) 3 S.C.C. 471**.

4. In view of law laid down by the Hon’ble Supreme Court in the case of ***Bachu Das (supra)***, the present appeal, filed for pre-arrest bail to the appellants, is dismissed as not maintainable.

(Prabhat Kumar Singh, J)

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