

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3681 of 2024

Arising Out of PS. Case No.-417 Year-2019 Thana- BIHIA District- Bhojpur

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1. Rajesh Pal @ Loha Pal, S/O Dina Pal
 2. Bhushan Pal,
 3. Sanjay Pal
Both sons of Ram Achhay Pal, All are residents of Village- Majhauri, Police
Station- Bihiya, District- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sundarbaso Devi, W/O Ajay Manjhi, R/O Village- Manjhauli, P.S- Bihiya,
Distt.- Bhojpur.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 20-09-2024

Heard learned counsel for the appellants and learned
Special PP for the State.

02. The present appeal has been preferred by the
appellants under Section 14(A)(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 against
the refusal of prayer for anticipatory bail by order dated
12.07.2024 passed by learned 1st Additional Sessions Judge-
cum-Special Judge, SC/ST Act, Bhojpur at Ara, in connection
with Bihiya P.S. Case No. 417 of 2019, registered on
06.12.2019, for the alleged offences under Sections 341, 323,



448, 307, 379, 504/34 of the Indian Penal Code and Section 3(i) (s)/ 3 (i) (r), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and later on Section 302 IPC was also added.

03. As per the prosecution case, chicken of the informant was stolen and while she has been discussing this theft, the co-accused persons intervened and admitted stealing the chicken and picked up quarrel with the husband of the informant and started assaulting him with fists and slaps. Thereafter, the appellants and other co-accused persons also joined them and they abused and tied the husband of the informant with a *chauki* and further assaulted him. When the informant and her brother-in-law came for his rescue, they were also assaulted. Subsequently, the husband of the informant succumbed to his injuries while undergoing treatment.

04. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. There are general and omnibus allegations against the appellants and the allegations are specific against the co-accused Dhurandhar Pal and Jhinga Yadav. The learned counsel further submits that though the FIR was lodged on 06.12.2019, but the same was sent to the court on 09.12.2019, i.e, after



delay of three days and it creates doubt about the case of the prosecution. The appellants have no concern with co-accused Dhurandhar Pal and Jhinga Yadav. The learned counsel further submits that the police investigated the matter and submitted a closure report against the petitioners finding the case false against the appellants and did not send them for trial. However, learned Special Court, differing from the opinion of the police, took cognizance against the appellants and others under Sections 341, 323, 448, 307, 302, 379, 504/34 of the Indian Penal Code and Section 3 (i)(r)(s), 3 (2) (v) of the SC/ST Act. Thus, learned counsel prays for allowing the appeal and enlarging the appellants on anticipatory bail.

05. Learned Special PP vehemently opposes the submission made on behalf of the appellants. Learned Special PP submits that there is specific allegation against the appellants for causing injuries to the husband of the informant, who later on succumbed to those injuries. The post mortem report also shows a number of injuries suffered by the victim. The learned Spl.P.P., while referring to Section 18 of the SC/ST (POA) Act, submits that anticipatory bail is not maintainable under the provisions of SC/ST Act. The learned Special PP further referred to the decision of the Hon'ble Supreme Court in



the case of *Bachu Das vs. State of Bihar and Ors.* reported in *(2014) 3 SCC 471* whereby the anticipatory bail granted by this Court has been cancelled by the Hon'ble Supreme Court in the light of statutory provisions.

06. Perused the records.

07. Having regard to the nature of allegation which is quite serious and grave, I do not think it is a fit case for grant of anticipatory bail to the appellants.

08. Hence, their prayer for grant of anticipatory bail is rejected.

09. As a result, this appeal is dismissed.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.09.2024
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