

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4107 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- BAHADURGANJ District- Kishanganj

1. Shyamal Sinha @ Shyamal Sah @ Shamal Saha Son of Late Nitya Nand Sah @ Kokil Sinha Resident of Village-Devottar Birnia, ward No 1, P.S.-Bahadurganj, District-Kishanganj
2. Meera Devi Wife of Shyamal Sinha @ Shyamal Sah @ Shamal Saha Resident of Village-Devottar Birnia, ward No 1, P.S.-Bahadurganj, District-Kishanganj
3. Shambhu Kumar Sinha @ Shambhu Sah Son of Shyamal Sinha @ Shyamal Sah @ Shamal Saha Resident of Village-Devottar Birnia, ward No 1, P.S.-Bahadurganj, District-Kishanganj
4. Sanju Sinha @ Sanju Sah @ Sanju Saha Son of Shyamal Sinha @ Shyamal Sah @ Shamal Saha Resident of Village-Devottar Birnia, ward No 1, P.S.-Bahadurganj, District-Kishanganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Begi Devi Wife of Vinal Lal Harizan Resident of Village-Birnia, ward No 1, P.S.-Bahadurganj, District-Kishanganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Durga Nand Jha, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-10-2024 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 22.05.2024 passed by learned Additional Sessions Judge-I-cum-Special Judge, Kishanganj in connection with Special (SC/ST) Case No. 02 of 2024 arising out of Bahadurganj P.S. Case No. 280 of 2023, registered under Sections 323, 341, 324, 352, 354-



B, 382, 504, 506/34 of the Indian Penal Code and Sections 3(r) (s) and 3(2)(va) 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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