

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5295 of 2023

Arising Out of PS. Case No.-50 Year-2018 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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1. Birju Pandit Son Of Sarjug Pandit @ Saryug Pandit Resident Of Village- Mahamadpur (MOHABBATPUR) Nimi, Police Station- Sheikhopur Sarai, District- Sheikhpura.
 2. Jodhil Pandit @ Yodhil Pandit Son Of Sarjug Pandit @ Saryug Pandit Resident Of Village- Mahamadpur (MOHABBATPUR) Nimi, Police Station- Sheikhopur Sarai, District- Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandra Manjhi Son Of Chakkori Manjhi @ Chhakauri Manjhi Resident Of Village- Mohabbatpur Nimi, Police Station- Sheikhopur Sarai, District- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nilendu Kumar Choudhary, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 25-07-2024 Heard learned counsel appearing on behalf of appellants and Spl. Public Prosecutor.

2. This appeal has been filed against the order dated 18.10.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sheikhpura in ABP No. 987 of 2023 arising out of Sheikhpura Sarai P. S. Case No. 50 of 2018 (SC/ST Case No. 87 of 2018), registered under Sections 147, 148, 149, 323, 307 of the Indian Penal Code and Sections 3(i)(r) (s)/3(1)(s) and 3(2)(va) of the SC/ST Act, whereby the prayer for anticipatory bail of appellants has been rejected.



3. Learned Spl. Public Prosecutor appearing for the State vehemently opposed the bail application and submitted that the instant appeal is not maintainable as cognizance under SC/ST Act has already been taken by learned Court below and 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 law laid down by the Hon’ble Supreme court in 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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