

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5482 of 2023

Arising Out of PS. Case No.-70 Year-2019 Thana- SC/ST District- Rohtas

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1. BIKRAMA CHAUBEY SON OF LATE HARIDWAR CHAUBEY
RESIDENT OF VILLAGE - NIMA, PS - RAJPUR, DISTT - ROHTAS
 2. DIPAK CHAUBEY @ DIPAK KUMAR CHAUBEY SON OF LATE
JAGAT CHAUBEY RESIDENT OF VILLAGE - NIMA, PS - RAJPUR,
DISTT. - ROHTAS

... .. Appellant/s

Versus

1. The State of Bihar
2. SARITA DEVI WIFE OF SHAMBHU PASWAN RESIDENT OF
VILLAGE - NIMA, PS - RAJPUR, DISTT - ROHTAS

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-02-2024

1. Heard learned counsel for the parties.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 13.10.2023 passed by the learned 17th Additional Sessions Judge-cum-Exclusive Special Judge S.C./S.T., Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 70 of 2019 registered under Sections 147, 148, 149, 341, 323 and 354/34 of the Indian Penal Code as well as Sections 3(2)(vk) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent. It is further submitted that the appellants were on police bail during the period of



investigation, but the police in a mechanical manner submitted charge-sheet against the appellants. It is next submitted that the law stands well settled by this Court in the cases of **Mahendra Prasad Singh Versus State of Bihar** reported in **2004(3) PLJR 491**, **Sheochandra Singh Versus State of Bihar** reported in **2007(4) BBCJ 66** and **Jagnarayan Yadav @ Babajee Yadav and Ors. Vs. The State of Bihar** reported in **2010(2) PLJR 684** wherein this Court has clearly laid down the law that what steps have to be taken by the learned trial court in case of an accused who are on police bail and charge-sheet after investigation is submitted.

4. Learned Spl.P.P. for the State does not dispute the aforesaid submissions made by the learned counsel for the appellants.

5. In view of the submissions made by the learned counsel for the appellants, the present appeal is disposed of with a direction to the appellants to surrender before the learned trial court on or before 18.03.2024 and the learned trial court on the same day shall dispose of the application keeping in mind the law enunciated by this Court as recorded hereinabove.

6. Accordingly, the appeal stands disposed of.

(Satyavrat Verma, J)

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