

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.367 of 2024

Arising Out of PS. Case No.-14 Year-2020 Thana- SC/ST District- Gaya

1. Raju Gupta @ Raju Prasad Son Of Mahesh Sao Resident Of Village - Barachatti, P.S. - Barachatti, District - Gaya
2. Aman Kumar @ Kittu Kumar @ Kittu Kumar Gupta Son Of Raju Prasad @ Raju Gupta Resident Of Village - Barachatti, P.S. - Barachatti, District - Gaya
3. Jayant Kumar @ Bittu Kumar @ Bittu Kumar Gupta Son Of Mithlesh Gupta @ Mithlesh Prasad Resident Of Village - Barachatti, P.S. - Barachatti, District - Gaya
4. Mithlesh Prasad @ Mithlesh Gupta Son Of Ramvriksh Gupta Resident Of Village - Barachatti, P.S. - Barachatti, District - Gaya
5. Nawal Kishor Gupta @ Nawal Gupta Son Of Late Abhaku Sao Resident Of Village - Barachatti, P.S. - Barachatti, District - Gaya
6. Gautam Prasad @ Gautam Sao Son Of Mahesh Sao Resident Of Village - Barachatti, P.S. - Barachatti, District - Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Saraswati Devi Wife Of Ramvali Viswakarma Resident Of Village - Barachatti, P.S. - Barachatti, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Durgesh Nandan, Advocate

For the Respondent/s : Mrs. Usha Kumari I, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-07-2025 Despite valid service of notice, none appears on behalf of the respondent no. 2.

2. Heard learned counsel appearing on behalf of appellants and Spl. Public Prosecutor.

3. This appeal has been filed against the order dated 14.12.2023 passed by learned Exclusive Special Judge, SC/ST



Special Court, Gaya in ABP No. 422 of 2023 arising out of SC/ST P. S. Case No. 14 of 2020, registered under Sections 341, 448, 323, 354, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)(w), 3(2)(va) of the SC/ST Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. At the outset, learned Spl. Public Prosecutor for the State vehemently opposed the bail application and submitted that the instant anticipatory bail 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**.

5. 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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