

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1115 of 2024

Arising Out of PS. Case No.-12 Year-2017 Thana- CHAKIA District- East Champaran

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ARVIND RAI @ RAJESH KUMAR SON OF JITLAL RAI RESIDENT OF
VILLAGE - BISUNPUR, P.S. - MEHSI, DISTRICT - EAST CHAMPARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SONU KUMAR SON OF INDRADEV BAITHA RESIDENT OF
VILLAGE - BASGHAT TOLA VISHUNPUR, P.S. - CHAKIYA,
DISTRICT - EAST CHAMPARAN

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Abhishek Kumar, Advocate
	:	Mr.Hemant Ray, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 08-04-2025 1. Heard learned Counsel for the appellant and
learned Special Public Prosecutor for the State.
2. An order dated 11.01.2024, passed by learned
Special Judge, SC/ST (POA) Act, East Champaran at Motihari,
in A.B.P. No. 6198 of 2023, is under challenge in the present
appeal preferred under Section 14-A(2) of the Scheduled Caste
and Scheduled Tribes (Prevention of Atrocities) Act, 1989,
whereby the anticipatory bail application of the appellant in
connection with Chakiya Police Station Case No. 12 of 2017,
registered for the offences punishable under Section 307 and
other allied sections of the Indian Penal Code and Section 3 (2)
(va) of the Scheduled Caste and Scheduled Tribes (Prevention



of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that at on 13.01.2017, while the informant was at his shop, the appellant along with other accused persons arrived there and directed to upload songs and movies on their mobile. It has further been alleged that when the informant refused, the appellant assaulted him with knife on his head, due to which, he sustained head injury. Further, co-accused Vikash Kumar poured petrol on the mother of the informant and the appellant set fire, due to which, her saree got burnt.

4. Learned Counsel appearing on behalf of the appellant submits that police, after investigation, submitted final form not sending the appellant for trial, however the learned Special Court, differing with the police report, has taken cognizance against the appellant under Sections 341/323/307/504/506/34 of the Indian Penal Code and Sections 3(2)(va) of SC/ST Act.

5. On the other hand, learned Spl.P.P. vehemently opposes the prayer for anticipatory bail and argued that in view of the judgement of the Supreme Court in the case of Bachu Das v. The State of Bihar and Others, reported in (2014) 3 SCC 471, this appeal is not maintainable, inasmuch as the learned Special



Court, after finding prima facie case against the appellant, has taken cognizance under the sections of SC/ST Act and other sections of of the Indian Penal Code.

6. Having heard learned Counsel for the parties and taking into consideration the fact that cognizance of the offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has already taken by the learned Special Court, I am not inclined to grant anticipatory bail to the appellant in view of the decision of the Supreme Court in the case of Bachu Das v. The State of Bihar and Others (supra).

7. Accordingly, this appeal is dismissed and the order, dated 11.01.2024 passed by learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari, in A.B.P. No. 6198 of 2023, is hereby affirmed.

(Anil Kumar Sinha, J)

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