

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1572 of 2024

Arising Out of PS. Case No.-32 Year-2016 Thana- DAUDNAGAR District- Aurangabad

1. AWADHESH MAHTO @ AWADHESH KUMAR S/O LATE MADAN MOHAN PRASAD R/O VILLAGE- BIRAI, P.S- DAUDNAGAR, DISTT.- AURANGABAD.
2. SAHEB MAHTO @ ABHIJIT NAYAN @ ABHIJEET NAYAN S/O LATE MADAN MOHAN PRASAD R/O VILLAGE- BIRAI, P.S- DAUDNAGAR, DISTT.- AURANGABAD.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. KHALISH RAM S/O LATE KAILASH RAM R/O VILLAGE- BIRAI, P.S- DAUDNAGAR, DISTT.- AURANGABAD.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Rahul Kumar Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr. Ashok Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-08-2025 Heard learned counsel for the appellants, learned Spl.PP for the State and learned counsel for the informant /Respondent No. 2.

2. This appeal has been filed for setting aside order dated 19.02.2024 passed by the learned Special Judge (SC/ST Act)-cum-1st Additional District and Sessions Judge, Aurangabad in a case registered for the offence punishable under Sections 341, 323, 504 and 34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of these appellants has been rejected.

3. At the outset, it is submitted by learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 that the prayer for grant of pre-arrest bail to these appellants is not maintainable, as cognizance has already been taken by the learned trial court on 24.02.2020 for the offences punishable under Sections 341, 323, 504 and 34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. In this regard, reliance is placed in the case of **Bachu Das Vs. State of Bihar and others**, reported in (2014) 3 Supreme Court Cases 471.

4. In view of the aforesaid submissions and pronouncement of law rendered by the Hon’ble Supreme Court in the case of **Bachu Das** (*supra*), appellants’ prayer for grant of pre-arrest bail is rejected and this appeal stands dismissed.

(Prabhat Kumar Singh, J)

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