

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3629 of 2024

Arising Out of PS. Case No.-493 Year-2019 Thana- SUGAULI District- East Champaran

1. Phulnath Patel @ Phulnath Singh Son Of Late Bharat Patel Resident Of Village - Shrikhandi, P.S. - Sugauli, District - East Champaran
2. Bhagirath Patel @ Bhagrit Patel Son Of Vilas Raut Resident Of Village - Shyampur, P.S. - Sugauli, District - East Champaran
3. Sonelal Patel Son Of Bhagirath Patel @ Bhagrit Patel Resident Of Village - Shyampur, P.S. - Sugauli, District - East Champaran
4. Pannalal Patel Son Of Bhagirath Patel @ Bhagrit Patel Resident Of Village - Shyampur, P.S. - Sugauli, District - East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Harendra Sah Son Of Late Dhram Sah Resident Of Village - Shrikhandi, P.S. - Sugauli, District - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pravin Kumar, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-02-2025 Heard learned counsel appearing on behalf of appellants and Spl. Public Prosecutor.

2. This appeal has been filed against the order dated 16.04.2024 passed by learned Special Judge (SC/ST Act), East Champaran, Motihari in ABP No. 1254 of 2024 arising out of Sugauli P. S. Case No. 493 of 2019, registered under Sections 341, 323, 324, 354B, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) 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 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**.

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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