

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4780 of 2023

Arising Out of PS. Case No.-17 Year-2021 Thana- SC/ST District- Patna

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1. KAMESHWAR PATHAK SON OF RAM NARESH PATHAK MOHALLA-KUMAR TOWER, FLAT NO 304, EAST SARISTABAGH ,RAJPUTANA, PS -GARDANIBAGH, DIST- PATNA
 2. SUBHAM PRAKASH @ SUBHAM KUMAR SON OF KAMESHWAR PATHAK MOHALLA- KUMAR TOWER, FLAT NO 304, EAST SARISTABAGH ,RAJPUTANA, PS -GARDANIBAGH, DIST- PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RANJAY KUMAR GAURAV SON OF SHYAM SUNDAR PASWAN RESIDENT OF VILLAGE- JAY PRAKASH NAGAR, PS- JAKKANPUR, DISTT- PATNA

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Anjani Parashar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Mr. Amit Shrivastava, Sr. Advocate Mr. Sangeet Deokuliar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 08-05-2025 Heard learned counsel appearing for the appellants, learned Special Public Prosecutor appearing for the respondent-State and learned senior counsel appearing for the Respondent No. 2.

2. This appeal has been filed for setting aside order dated 26.09.2023 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with A.B.P. No. 8009 of 2023 arising out of SC/ST P.S. Case No. 17 of 2021 registered for the offence punishable under Sections 406, 420, 504, 506



and 34 of the Indian Penal Code and Sections 3(i)(s) and 3(2) (va) 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, learned senior counsel appearing on behalf of informant/Respondent No. 2 that in this case, process under Sections 82 and 83 of the Cr.P.C. has already been initiated against these appellants and as such, this appeal is not maintainable, in view of decisions of the Hon'ble Supreme Court in the case of (i) *Lavesh v. State (NCT of Delhi)* reported in *(2012) 8 S.C.C. 730*, (ii) *State of MP v. Pradeep Sharma* reported in *(2014) 2 S.C.C. 17*, and (iii) *Prem Shankar Prasad v. State of Bihar* reported in *2021 SCC Online SC 955*.

4. Considering the aforesaid facts and circumstances of the case and decisions of the Hon'ble Supreme Court, this appeal, filed for grant of anticipatory bail to the appellants, stands dismissed.

(Prabhat Kumar Singh, J)

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