

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.185 of 2023**

Arising Out of PS. Case No.-62 Year-2021 Thana- CHANDRADIP District- Jamui

MD. MOKIM KHAN S/O MD. NASIM KHAN R/V- DINNAGAR, P.S.-
CHANDRADEEP, DISTRICT- JAMUI

... .. Appellant/s

Versus

1. The State of Bihar
2. RAMBALAK RAVIDAS S/O LATE LAKHAN RAVIDAS R/V-
DINNAGAR, P.S.- CHANDRADEEP, DISTRICT- JAMUI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhat Ranjan Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 11-07-2023 Heard learned counsel for the appellant and

learned Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 19.10.2022 in A.B.P. No. 1834 of 2022 passed by the learned 1st Additional Sessions Judge, Jamui in connection with Chandradeep P.S. Case No. 62 of 2021 registered for the offences punishable under Sections 341, 323, 366A, 379, 504, 506 and 34 of the Indian Penal Code and 3 /4 of the POCSO Act as well as Sections 3(1)(r) and



3(ii)(v) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is a person with clean antecedent and allegation is of abusing and assaulting the informant by the accused persons including the appellant. It is next submitted that the police after investigation finding the case to be false submitted Final Form in favour of the appellant, but the learned Trial Court differing with the police report took cognizance. It is next submitted that when one Investigating Agency, after threadbare investigation found the case to be false, would it be justifiable in sending the appellant to jail.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant on grounds of maintainability and submits that since cognizance has been taken, as such the anticipatory bail is not maintainable.

Considering the submissions made by the learned Special P.P., the Court is not inclined to extend the privilege of anticipatory bail to the appellant.

However, in the event, if the appellant surrenders on or before 10.08.2023, the learned Trial Court shall dispose of the case on the same day keeping in mind that



the police after investigation submitted Final Form in
favour of the appellant.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

