

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.242 of 2024**

Arising Out of PS. Case No.-36 Year-2013 Thana- MAHILA PS District- Gaya

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1. JITENDRA MISRY @ JITENDRA MISTRI SON OF BALESHWAR MISTRI RESIDENT OF VILLAGE - PIPRA, P.S. - WAZIRGANJ, DISTRICT - GAYA
 2. ASHOK CHAURASIA SON OF JAGDISH CHOURASIA RESIDENT OF VILLAGE - PIPRA, P.S. - WAZIRGANJ, DISTRICT - GAYA
 3. MUKESH CHOURASIA @ MUKESH CHOURASIYA SON OF RAMJI CHOURASIYA RESIDENT OF VILLAGE - PIPRA, P.S. - WAZIRGANJ, DISTRICT - GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Vinita Kumari W/O Ramji Paswan, Village Pipra, P.S. Wazirganj, District Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinod Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari No. 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-05-2024 1. Heard learned counsel for the appellants and Ms. Usha Kumari No. 1 learned Special Public Prosecutor for the State.

2. 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 22.11.2023 in A.B.P. No. 393 of 2023, Tr. No. 131 of 2018 passed by the learned Special Judge, SC/ST Spl. Court, Gaya in connection with Gaya Mahila P.S. Case No. 36 of 2013



registered under Sections 376, 342, 328, 372, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(i)(xii) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is further submitted that the police, after threadbare investigation, submitted final form exoneration the appellants of the allegation as alleged in the FIR but then the learned trial court differing with the police report took cognizance. It is next submitted that since one investigating agency found the appellants to be innocent whether it would be prudent for the Court to send the appellants to jail.

4. Learned Special Public Prosecutor opposed the prayer for anticipatory bail and submits that it is not in dispute that the police after investigation submitted final form in favour of the appellants exonerating them of the allegation but then the learned trial court differing with the police report has taken cognizance and since cognizance is taken as such the prayer for anticipatory bail is not maintainable.

5. Learned counsel for the appellants, at this stage, seeks permission to withdraw this appeal.



6. Permission is accorded.

7. Accordingly, this appeal stands dismissed as withdrawn.

8. However, if the appellants surrender before the learned trial court on or before 01.06.2024, the learned trial court shall dispose of the case on the same day keeping in mind the fact that police after investigation submitted final form exonerating the appellants of the allegation.

(Satyavrat Verma, J)

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