

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.398 of 2024

Arising Out of PS. Case No.-49 Year-2023 Thana- MADANPUR District- Aurangabad

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1. Rakesh Kumar Singh @ Rajesh Singh S/O Late Awadesh Singh
 2. PRIYANSHU KUMAR SINGH S/O AJAY KUMAR SINGH
 3. AMAN KUMAR @ GOLU S/O DHARMENDRA SINGH
- All are resident of VILLAGE- THAWAI, PS.- MADANPUR, DIST. AURANGABAD.

... .. Appellant/s

Versus

1. The State of Bihar
2. SHAMBHU PASWAN S/O LATE GOPAL PASWAN VILLAGE- THAWAI, PS.- MADANPUR, DIST. AURANGABAD.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bhaskar Shankar, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
		Ms. Mukul Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-09-2024 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the informant.

2. The learned counsel for the appellants submits that Vishal Kumar Singh @ Vishal Kumar and Sumit Kumar Singh @ Sumit Kumar had moved this Court seeking anticipatory bail by filing Cr. Appeal (SJ) No.2019 of 2023 and the same was allowed by an order dated 14.07.2023.

3. It is further submitted that subsequently charge sheet came to be submitted against Vishal and Sumit. It is next submitted that as far as these appellants are concerned the police



after threadbare investigation came to a considered conclusion that appellants are innocent and thus submitted final form exonerating them of the allegation, but then the learned Magistrate differing the police report took cognizance.

4. The learned counsel for the appellants thus submit that when Vishal and Sumit have been granted the privilege of anticipatory bail whether it would be prudent for this Court to reject the appeal of the appellants on the ground that learned Magistrate had taken cognizance after differing the police report. It is also submitted that order of cognizance is based on an investigation which found the appellants to be innocent.

5. The learned Special P.P. and the learned counsel appearing on behalf of the informant submits that the argument put forth by the learned counsel appearing on behalf of the appellants cannot be countenanced, but then it is submitted that since learned Magistrate differing with the police report has taken cognizance as such prima facie offence under the SC/ST Act is made out against the appellants and thus the appeal is not maintainable.

6. After hearing the learned counsel for the parties the appeal is disposed of with a direction that, in the event, if the appellants surrenders on or before 30.09.2024, the learned trial



court shall dispose of the case on the same day keeping in mind
the submissions made by the learned counsel appearing on
behalf of the appellants as recorded hereinabove.

(Satyavrat Verma, J)

Prakash Narayan

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