

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1433 of 2024

Arising Out of PS. Case No.-61 Year-2022 Thana- SC/ST District- Gaya

=====

Pramod Yadav @ Pramod Kumar son of Haridwar Yadav Vill- Siduria, Ps-
Wazirganj Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kushmi Devi W/o Late Rajo Das, R/o village Pura Tola/Sinduari, P.S.
Wazirganj, District-Gaya.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mr. Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-07-2024 1. Heard learned counsel for the appellant and learned

Special P.P. along with learned counsel appearing on behalf of

the respondent no.2.

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 12.02.2024 in A.B.P. No. 38 of 2024, arising out of
SC/ST P.S. Case No.61/2022, passed by the learned Exclusive
Special Judge, SC/ST, Gaya, registered under Sections 341, 323,
504, 506, 354, 379, 448 of the Indian Penal Code as well as
Sections 3(1)(r)(s), 3(2)(v-a) of the SC/ST (POA) Act.



3. The learned counsel for the appellant at the outset submits that appellant is a person with clean antecedent and has been falsely implicated in the instant case by the informant. It is also submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that prima facie no offence under the SC/ST Act is made out as the alleged occurrence did not take place in public view nor the F.I.R. even remotely suggests that the occurrence was witnessed by any independent witnesses. It is next submitted that even police after investigation came to a considered conclusion that appellant is innocent and thus exonerated him of the allegation and submitted final form but then the learned trial court in a mechanical manner differing with the police report took cognizance.

4. The learned counsel appearing on behalf of the respondent submits that since cognizance has been taken, as such, the instant appeal seeking anticipatory bail has become infructuous.

5. At this stage, the learned counsel for the appellant submits that one investigating agency after threadbare investigation came to a considered conclusion that appellant is innocent whether it would be prudent for this court to send the



appellant to jail, based on the order of cognizance, which came to be taken, based on the same investigation. After making his submission, the learned counsel for the appellant seeks permission to withdraw the appeal.

6. Permission is accorded.

7. However, in the event, if the appellant surrenders before the learned trial court on or before 22.07.2024, the learned trial court shall dispose of the case on the same day keeping in mind the submissions made on behalf of learned counsel appearing on behalf of the appellant, as recorded, hereinabove.

(Satyavrat Verma, J)

amit/-

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

