

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2249 of 2024

Arising Out of PS. Case No.-98 Year-2015 Thana- WAJIRGANJ District- Gaya

Gopal Pd. Yadav son of Late Somari Prasad Yadav Mohalla- Mali Gali Road
No-1, Bhareti Po- Wazirganj Ps- Wazirganj Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mukesh Kumar son of Kishorei Ravidas Village- Maula Nagar Murd Po Ps-
Wazirganj Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Purushotam Sharma
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-08-2024 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State, Shri Sadanand Paswan.

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 20-4-2024 passed by the learned Special Judge
S.C./S.T. (POA) Act, Gaya in connection with Wazirganj P.S.
Case No. 98 of 2015 registered for the offences punishable
under Sections 302 and 201 of the Indian Penal Code as well as
Sections 3(2)(v) of the SC/ST Act.

3. Learned counsel for the appellant, at the outset,



submits that the appellant has been falsely implicated in the instant case. It is next submitted that police, after threadbare investigation, came to a considered conclusion that appellant is innocent and thus submitted final form exonerating him of the allegations, but then the learned Magistrate differing with the police took cognizance of the offence as such appellant apprehends his arrest. It is also submitted that appellant is a person with clean antecedent and is a retired government teacher and is aged about 72 years. It is next submitted that a person who remained a person with clean antecedent for 72 years all of a sudden has been made an accused based on an order taking cognizance after differing with the police report. Learned counsel further submits that when 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 an order of cognizance which was taken based on the same investigation which found the appellant to be innocent.

4. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant and submits that since cognizance has been taken, it would be construed that *prima facie* offence is made out against the appellant.



5. In view of the submission made by learned Spl. P.P, the court is not inclined to extend the privilege of anticipatory bail to the appellant.

6. However, the appeal is dispose of with a direction that if the appellant surrenders on or before 9-9-2024, 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 exonerating him of the allegation.

(Satyavrat Verma, J)

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