

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2713 of 2024

Arising Out of PS. Case No.-133 Year-2018 Thana- TEKARI District- Gaya

Ranjan Kumar @ Abhiranjan Kumar son of Shiv Kumar Singh Village-
Sahopur Ps- Tekari Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Priyanka Kumari D/o- Ramanand Kumar Village- Kasiya Po- Khanetu Ps-
Tekari Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kunwar Narayan Jamuar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2024 1. Heard learned counsel for the appellant and the
learned Special P.P. Mr. Binay Krishna.

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 04.05.2024 in A.B.P. No. 133/2024 passed by the
learned Exclusive Special Judge SC/ST, Gaya in connection
with Tekari P.S. Case No. 133/2018 registered under Sections
467, 468, 420, 406 of the Indian Penal Code as well as Sections
3(1)(r)(s) /3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellant submits that



appellant is a person with clean antecedent and has been falsely implicated in the present case by the informant. It is next submitted that the police after threadbare investigation came to a considered conclusion that appellant is innocent and thus submitted Final Form No.44/2018 dated 25.07.2018 exonerating the appellant of the allegation as alleged in the F.I.R., but then the learned trial court differing with the police report, took cognizance in 2023 and thus the appellant apprehends his arrest.

4. Learned counsel submits that when one investigating agency after threadbare investigation came to a considered conclusion that appellant is innocent, whether it would be prudent for the court to send the appellant to jail, based on an order of cognizance, which was taken based on the same police report, which found the appellant innocent. It is also submitted that even the informant has filed an application before the Investigating Officer of the case expressing her desire to withdraw the case, as she does not want to proceed with the case.

5. Learned Special Public Prosecutor Mr. Binay Krishna fairly submits that the argument of the learned counsel appearing on behalf of the appellant cannot be countenanced but then it is submitted that since cognizance has been taken as such



it would be deemed that a prima facie offence is made out against the appellant and the SC/ST Act. The learned counsel for the appellant submits that even the informant does not intend to pursue with the case and police has found the case to be false, as such, no useful purpose would be served by sending the appellant to jail.

6. After hearing the learned counsel for the parties, the appeal is disposed of with a direction to the appellant to surrender before the learned trial court on or before 28.10.2024 and in the event if the appellant surrenders on or before 28.10.2024, the learned trial court on the same day shall dispose of the case keeping in mind the submissions made by the learned counsel for the appellant, as recorded, hereinabove.

7. Accordingly, the appeal is disposed of with aforesaid direction.

(Satyavrat Verma, J)

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