

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3322 of 2024

Arising Out of PS. Case No.-15 Year-2022 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Dhananjay Kumar Jha S/O Bajrangi Jha @ Bajrang Jha R/O Village And P.O-
Goraul, P.S- Goraul, Distt.- Vaishali.

... .. Appellant/S

Versus

1. The State Of Bihar
2. Vinod Kumar S/O Late Sukdev Ram R/O Village- Chakwaja Nagwa, P.S-
Pateri (BELSAR O.P), Distt.- Vaishali.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravish Mishra

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 28-08-2024 1. Heard the 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 31.05.2024 in A.B.P. No. 1208 of 2024 passed by
the learned Exclusive Special Court (SC/ST Act), Vaishali at
Hajipur, in connection with Complaint Case No. 15/2022
registered under Sections 341, 323, 504, 379 of the Indian Penal
Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellant submits that



appellant has antecedent of three cases, which were instituted by the present informant/complainant and he came to be implicated by the informant in Goraul P.S. Case No. 306/2018. It is next submitted that police after threadbare investigation came to a considered conclusion that the appellant is innocent, thus submitted final form dated 30.11.2018. It is further submitted that the informant on 11.10.2019 filed a protest application i.e. nearly after 11 months of filing of the protest. It is next submitted that after filing of protest by the informant/complainant, S.A. was recorded on 24.05.2022 along with his witnesses, and thereafter, the cognizance came to be taken on 29.02.2024, as such, the appellant apprehended his arrest, accordingly, moved before the learned District Court seeking anticipatory bail which came to be rejected on 31.05.2024, which is impugned in the instant appeal.

4. Learned counsel for the appellant submits that what is not in dispute rather stands admitted that the police after threadbare investigation, exonerated the appellant of the allegation, as alleged in the F.I.R. but then the learned Magistrate based on protest took cognizance. It is thus submitted that when one investigating agency after holding a threadbare investigation came to a considered conclusion that



the appellant is innocent then whether it would be prudent for this court to send the appellant to jail, based on an order of cognizance, which came to be taken, based on protest and that too after a great delay as recorded hereinabove.

5. Learned Special Public Prosecutor Mr. Binay Krishna fairly submits that there is force in the submission of the learned counsel appearing on behalf of the appellant but then it is submitted that since cognizance has been taken, as such the presumption is that prima facie offence is made out against the appellant, hence the anticipatory bail is not maintainable.

6. Considering the submission made by the learned Special P.P., the anticipatory bail is disposed of with a direction to the appellant to surrender before the learned trial court on or before 23.09.2024, and the learned trial court shall on the same day dispose of the case, keeping in mind the submission of the learned counsel appearing on behalf of the appellant, in mind as recorded hereinabove.

(Satyavrat Verma, J)

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