

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3499 of 2024

Arising Out of PS. Case No.-12 Year-2019 Thana- SC/ST District- Madhepura

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1. Shashi Kumar Singh Son of Late Surendra Narayan Singh @ Surendra Singh R/O Vill.- Sukhasan, Ward no. 11, P.s.- Kumarkhand, Dist.- Madhepura.
 2. Shivendra Kumar Singh @ Shivendra Kumar Son of Late Surendra Narayan Singh @ Surendra Singh R/O Vill.- Sukhasan, Ward no. 11, P.s.- Kumarkhand, Dist.- Madhepura.
 3. Sushil Kumar Singh @ Sushant Kumar Singh Son of Late Surendra Narayan Singh @ Surendra Singh R/O Vill.- Sukhasan, Ward no. 11, P.s.- Kumarkhand, Dist.- Madhepura.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sadanand Rishideo Son of Late Biran Rishideo R/O Vill.- Bishanpur Mushahari Tola, P.s.- Kumarkhand, Dist.- Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satish Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-09-2024 1. Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

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 3-6-2024 in A.B.P. No. 681 of 2024 passed by the learned Additional District & Sessions Judge-1st-cum-Special Judge, Madhepura, in connection with Madhepura SC/ST P.S.



Case No. 12 of 2019 registered for the offences punishable under Sections 374, 323, 504, 506 and 34 of the Indian Penal Code, Sections 16, 17, and 18 of the Bonded Labour Act and Sections 3(i)(r)(s)(H) of the SC/ST Act.

3. The learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is next submitted that police after threadbare investigation came to a considered conclusion that appellants are innocent, hence submitted Final Form No.18 of 2019 dated 31.07.2019, but then the learned Magistrate differing with the police report took cognizance, as such the appellants apprehend arrest.

4. It is further submitted that when one investigating agency after threadbare investigation came to a considered conclusion that appellants are innocent whether it would be prudent for the Court to send the appellants to jail based on an order of cognizance which came to be taken based on an investigation report which had exonerated the appellants of the offence.

5. The learned Special P.P., Mr. Binay Krishna, fairly submits that the said submission of the learned counsel appearing on behalf of the appellants cannot be countenanced,



but then submits that since learned court has taken cognizance as such a *prima facie* offence is made out against the appellants, hence anticipatory bail would not be maintainable.

6. In view of the submissions made by the learned Special P.P., the appeal is disposed of with a direction to the appellants to surrender before the learned trial court on or before 18.10.2024 and the learned trial court is directed to disposed of the case on the same day keeping in mind the submissions made by the learned counsel for the appellants as recorded hereinabove.

(Satyavrat Verma, J)

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