

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58425 of 2024

Arising Out of PS. Case No.-504 Year-2023 Thana- NARHATT District- Nawada

Pappu Kumar Sao @ Pappu Kr Saw, Son Of Late Shri Chand Saw R/O
Village- Rasalpura, P.S- Sitamarhi, Distt.- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Lalsa Kumari, D/O Sanjay Manjhi R/O Vill.-Rasalpur, P.S.-Sitamarhi,
District-Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar
For the State	:	Mr.Rabindra Kumar- A.P.P.
For the Informant	:	Mr.Birendra Kumar Mr.Kumud Kishore

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-08-2024 1. Heard learned counsel for the petitioner, the
learned counsel appearing on behalf of the informant and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in Narhat (Sitamarhi) P. S. Case No.504 of 2023
registered for the offences punishable under Sections 341, 323,
504 and 506 of the Indian Penal Code, Sections 8 and 12 of the
POCSO Act and Sections 3(1)(r)(s)(w) of the SC/ST (P.O.A.)
Act.

3. The learned counsel for the petitioners submits that
petitioner has antecedent of one case and has been falsely
implicated in the instant case by the informant. It is also



submitted that police after threadbare investigation came to a considered conclusion that petitioner is innocent and as such, submitted final form no.09 of 2024 dated 14.02.2024 exonerating the petitioner of the allegation, but then, the learned Magistrate differing with the police report took cognizance of the offences under Sections 341, 323, 504 and 506 of the I.P.C. read with Sections 8 and 12 of the POCSO Act and Sections 3(1)(r)(s)(w) of the SC/ST (P.O.A.) Act. It is further submitted that once an Investigating Agency after a threadbare investigation came to a considered conclusion that petitioner is innocent whether it would be prudent for this Court to send the petitioner to jail based on an order of cognizance which came to be taken based on the same investigation report which found the petitioner innocent.

4. The leaned A.P.P. Sri Rabindra Kumar fairly submits that the argument made by the learned counsel appearing on behalf of the petitioner cannot be countenanced, but then, it is submitted that since cognizance came to be taken under Sections 3(1)(r)(s)(w) of the SC/ST (P.O.A.) Act that amply demonstrates that the learned Magistrate found a prima facie case against the petitioner under the SC/ST (POA) Act, as such, the anticipatory bail, for the present, is not maintainable.



5. Considering the submission made by the learned A.P.P., the anticipatory bail application is disposed of with a direction that in the event, if the petitioner surrenders before the learned trial Court on or before 09.09.2024, the learned trial Court shall, on the same day, dispose of the case keeping in mind the submission made by the learned counsel appearing on behalf of the petitioner as recorded herein above.

(Satyavrat Verma, J)

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