

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4851 of 2023**

Arising Out of PS. Case No.-73 Year-2020 Thana- LAUKAHI District- Madhubani

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1. RAMA KANT SINGH son of Late Garbhdeo Singh R/o Village - Dhabahi PS - Laukahi Dist- Madhubani
  2. Krishna Kant Singh @ Krishna Kumar Singh son of Sumeshwar Singh R/o Village- Dhabahi PS - Laukahi Dist- Madhubani
  3. Kumar Abhishek Singh @ Mithu Singh son of Sumeshwar Singh R/o Village- Dhabahi PS - Laukahi Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Shrawan Safi son of Ram Lakhan Safi R/o Village- Dhabahi PS - Laukahi Dist - Madhubani

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Ashok Kumar Prasad, Advocate |
| For the Respondent/s | : | Mr. Binay Krishna, Spl.P.P.      |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      07-05-2024                      1. Heard learned counsel for the appellants and Mr. Binay Krishna 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 06.01.2023 in A.B.P. No. 2262 of 2022 passed by the learned 7<sup>th</sup> Additional Sessions Judge-cum-Special Judge (POCSO) Act, Madhubani in connection with Laukahi P.S. Case No. 73 of 2020 registered under Sections 143, 341, 323, 447, 427, 324, 307, 379, 354(B) and 504 of the Indian Penal Code as



well as Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the present case by the informant. It is further submitted that appellants Rama Kant Singh, Krishna Kant Singh @ Krishna Kumar Singh and Kumar Abhishek Singh @ Mithu Singh are alleged to have assaulted the wife of the informant by butt of pistol, tengari and hammer (hathauri) respectively. It is next submitted that appellants were not even present at the place of occurrence when the alleged occurrence is said to have taken place. It is also submitted that the police, after threadbare investigation, came to a considered conclusion that appellants are innocent and, accordingly, exonerated them of the allegation. It is further submitted that from perusal of the charge-sheet No. 63/21, dated 19.04.2021, it would manifest that charge-sheet came to be submitted against Kanhaiya Singh, Niraj Singh and Dhiraj Singh @ Chotu Singh whereas the appellants were not sent up for trial. It is next submitted that the learned trial court in a mechanical manner proceeded to take cognizance against the appellants also under various sections of the Indian Penal Code, SC/ST Act and POCSO Act. It is also submitted that since cognizance came to be taken against the



appellants also as such the present appeal came to be filed. It is further submitted that since cognizance was also taken under the POCSO Act as such criminal miscellaneous ought to have been filed but inadvertently appeal has been filed. It is next submitted that mere labelling of wrong provision of law on the petition will not denude the appellants of their right to be considered for anticipatory bail. It is also submitted that since one investigating agency based on a threadbare investigation came to be a considered conclusion that appellants are innocent and the learned trial court based on the same report differed and took cognizance then whether it would be prudent for this Court to send the appellants to jail.

4. Learned Special Public Prosecutor opposes the prayer for anticipatory bail and submits that instead of appeal, criminal miscellaneous (anticipatory bail) ought to have been filed.

5. Considering the aforesaid submissions and the fact that appellants are persons with clean antecedent, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five



thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

6. Accordingly, the impugned order is set aside and this appeal stands allowed.

**(Satyavrat Verma, J)**

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