

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.891 of 2024

Arising Out of PS. Case No.-557 Year-2023 Thana- RAFIGANJ District- Aurangabad

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1. Sri Pujan Yadav @ Shiv Pujan Yadav, S/o Late Subedar Yadav R/o vill - Kajapa, P.s. - Rafiganj, Distt. - Aurangabad (Bihar)
 2. Mukesh Kumar @ Panth, S/o Sri Pujan Yadav R/o vill - Kajapa, P.s. - Rafiganj, Distt. - Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Khusbu Kumari, D/o Rambali Ram R/o vill - Kajapa, P.s - Rafiganj, Distt. - Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Malti Kumari
For the Respondent/s	:	Ms. Usha Kumari 1- Spl. P.P. Mr. Satyanand Sharma Mr. Shailendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 22-09-2025 1. Heard the learned counsel for the appellants, the learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the informant.

2. The appellants have challenged the order dated 25.01.2024 passed by the learned Special Judge, SC/ST-cum-1st Additional District & Sessions Judge, Aurangabad in connection with ABP No.163 of 2024 arising out of Rafiganj P. S. Case No.557 of 2023, instituted for the offences under Sections 341, 323, 504, 325, 506, 34 of the Indian Penal Code and Section 3(1)(r)(s),(2)(va) of the Scheduled Castes & Scheduled Tribes



(Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that Pujan Yadav and Rabindra Yadav molested his sister. Further, Mukesh Kumar about five days back had asked for the mobile number of his sister and on refusal, he threatened to kill his family members and on 24.12.2023 at about 3.00 P.M., the accused persons came and assaulted his family members causing injury.

4. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is submitted that appellants were opposing the informant and his family from selling liquor, as such, the instant false case came to be instituted with exaggerated allegation of molestation and assault as there is no injury report on record. It is further submitted that police after investigation did not find the case true under the SC/ST Act, but then, submitted charge-sheet under various provisions of the I.P.C. and the POCSO Act and the learned Trial Court also took cognizance under the I.P.C. and the POCSO Act. It is further submitted that in the nature of allegation as alleged in the FIR, prima facie no offence under



the SC/ST (POA) Act is made out. It is also submitted that though the informant alleges that his sister is a minor, but then, the same is not substantiated by any documentary evidence. It is further submitted that police investigated the case mechanically and submitted charge-sheet under I.P.C., SC/ST (POA) Act and POCSO Act, but then, the learned Trial Court after going through the case diary came to a considered conclusion that no offence under the SC/ST Act is made out, hence cognizance was not taken under the SC/ST Act, though cognizance was taken under the I.P.C. and the POCSO Act. It is also submitted that appellants will not abscond rather would cooperate in the trial to prove their innocence.

5. The learned Special P. P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that Court differed with the police report and did not take cognizance under the SC/ST (POA) Act.

6. Regard being had to the aforesaid submissions, the order dated 25.01.2024 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their



arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned learned Special Judge, SC/ST-cum-1st Additional District & Sessions Judge, Aurangabad in connection with ABP No.163 of 2024 arising out of Rafiganj P. S. Case No.557 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. It is made clear that if the learned Trial Court comes to a conclusion that appellants after their release are trying to delay the framing of charge and after framing of charge are delaying the trial, in both the conditions, the learned Trial Court shall be at liberty to cancel the bail bonds of the appellants.

(Satyavrat Verma, J)

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