

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1218 of 2025

Arising Out of PS. Case No.-151 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. Chandan Kumar S/O Benga Yadav @ Komal Yadav R/O Village - Balahi, P.S.- Magadh Medical, District -Gaya.
 2. Kharaha Yadav @ Balkeshwar Yadav S/O Late Dhanu Yadav R/O Village - Balahi, P.S.- Magadh Medical, District -Gaya.
 3. Upendra Yadav S/O Dasai Yadav @ Tilakdhari Yadav R/O Village - Balahi, P.S.- Magadh Medical, District -Gaya.
 4. Bhola Yadav @ Bhotha Yadav @ Sanjay Kumar S/O Late Pun Yadav @ Panu Yadav R/O Village - Balahi, P.S.- Magadh Medical, District -Gaya.
 5. Shankar Yadav S/o Indardev Yadav R/O Village - Balahi, P.S.- Magadh Medical, District -Gaya.
 6. Satendar Yadav S/O Balkeshwar Yadav R/O Village - Balahi, P.S.- Magadh Medical, District -Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Diwani Devi W/O Krishna Manjhi R/O Village- Balahi (Bhuitoli), P.S- Magadh Medical, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Durgesh Nandan, Adv.
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 09-12-2025 Heard learned counsel for the appellants and learned
Spl. P.P. Mr. Binay Krishna 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 18.02.2025 in A.B.P. No. 10 of 2025 passed by the learned 1st Additional



Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gaya in connection with Magadh Medical P.S. Case No. 151 of 2020 registered for the offences punishable under Sections 147, 148, 149, 452, 323, 326, 307, 427, 504, 506 of the Indian Penal Code as well as Sections 3(1)(r)(w)/ 3(2) (va) of the SC/ST (POA) Act.

3. Learned counsel for the appellants submits that on perusal of the office report dated 13.05.2025, it would manifest that the same records that the respondent no.2 has received the notice personally but despite receiving notice he chooses not to appear and contest the case.

4. Learned counsel for the appellants submits that the appellants are persons with clean antecedents and the informant alleges that accused persons namely Foku Yadav, Sadhu Yadav and Chhotu Yadav in a drunken state came to Bhui tola and started abusing and assaulting but the matter was pacified, further on 04.08.2024 accused persons including the appellants along with 15-20 unknown persons came to Bhui tola and assaulted the community members and Chhotu Yadav along with Anuj Yadav fired in the air, further, on order of Satyendra Yadav accused Sadhu, Uttam and Khadauri assaulted Jatha Manjhi and Ramrati Devi by *lathi* causing injury, thereafter Foku, Babla, Ganesh, Dilip, Bablu, Ramanand, Kharha and Mahavir entered the house of community members of Bhui tola and destroyed the household



articles. While, Mahavir, Balgovind, Krishna, Dularchand, Sharavan, Upendra along with 15-20 unknown persons threw the auto and kiosk of Surendra Manjhi and Bipul Manjhi in the water.

5. Learned counsel submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that appellant no.1 is not named in the FIR, it is also submitted that it does not appear probable the informant with such precision would have alleged who assaulted who and with what. It is next submitted that police after threadbare investigation came to a considered conclusion that appellant no. 2 to 6 are innocent thus submitted final form no. 20 of 2023 dated 19.02.2023 exonerating the appellants no. 2 to 6 from the allegations but then the learned special judge differing with the police report took cognizance as such the appellants apprehend their arrest. It is submitted that though appellant no. 1 is not named in the FIR but then during the course of investigation his name transpired and he was produced before the trial court and the trial court released him on bail on furnishing bail bond of Rs. 5,000/- as such, learned counsel for the appellants seeks permission to withdraw the instant appeal with respect to appellant no. 1, Chandan Kumar.

6. It is next submitted that during the course of investigation found the appellant no. 2 to 6 innocent and thus submitted final form but then cognizance was taken based on the



same police report which exonerated the appellant no. 2 to 6 as such, whether it would be prudent of the Court to send the petitioners to jail based on an order of cognizance which came to be taken on the basis of same police report which exonerated the appellant no. 2 to 6.

7. Learned Spl. P.P. Mr. Binay Krishna submits that since cognizance has been taken as such a *prima facie* case is made out against the appellant no. 2 to 6. hence, Section 18 of the SC/ST Act gets attracted.

8. After hearing learned counsels for the parties, the appeal is disposed of, with a direction to the appellant no. 2 to 6 to surrender before the learned trial court on 22.12.2025 and the learned trial court on the same date shall dispose of the case keeping in mind the fact that the police during investigation found the appellant no. 2 to 6 innocent and based on order of cognizance they are apprehending arrest.

(Satyavrat Verma, J)

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