

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1311 of 2025

Arising Out of PS. Case No.-153 Year-2022 Thana- LAKHNAUR District- Madhubani

1. Vinod Sah S/o-Late Jagdish sah Resident of village- Shoharai P.S- Lakhnaur R S O P District- Madhubani
2. Raj Kumar Sah S/o- Late Jagdish Sah Resident of village- Shoharai P.S- Lakhnaur R S O P District- Madhubani
3. Manoj Sah @ Manoj Kumar @ Manoj SAhu S/o- Late Jagdish Sah Resident of village- Shoharai P.S- Lakhnaur R S O P District- Madhubani
4. Manish Sah @ Manish Kumar Sahu S/o- Raj Kumar Sah Resident of village- Shoharai P.S- Lakhnaur R S O P District- Madhubani
5. Shravan Sah @ Sharban Kumar Sahu S/o- Raj Kumar Sah Resident of village- Shoharai P.S- Lakhnaur R S O P District- Madhubani
6. Meera Devi W/o- Vinod Sah Resident of village- Shoharai P.S- Lakhnaur R S O P District- Madhubani
7. Hira Devi w/o- Raj Kumar Sah Resident of village- Shoharai P.S- Lakhnaur R S O P District- Madhubani
8. Ranju Devi W/o- Manoj Sah @ Manoj Kumar @ Manoj Sahu Resident of village- Shoharai P.S- Lakhnaur R S O P District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Uma Devi W/o- Ram Lakhan Paswan Resident of village- Shoharai P.S- Lakhnaur R S O P District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Subhash Kumar Jha, Adv
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP
		Ms. Priyanka
		Mr. Pintu Kumar Patel
		Ms. Neha Kumari Singh
		Mr. Shivnandan Bharti

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 6 10-12-2025 **1.** Heard learned counsel for the appellants; learned Spl. P.P. for the State, Sri Binay Krishna and the learned counsel appearing on behalf of the informant.
- 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 4-3-2025 in A.B.P. No. 387 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhubani in connection with Lakhnaur (R.S.O.P) P.S. Case No. 153 of 2022 registered for the offences punishable under Sections 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s)(w) and 392(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the police after threadbare investigation came to a considered conclusion that appellants are innocent, thus submitted final form exonerating the appellants of the allegations as alleged in the FIR, but then the learned trial court differing with the police report took cognizance, as such appellants apprehend their arrest. It is next submitted that when one investigation 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 the same police report which exonerated the appellants of the allegations. It is further submitted that from perusal of the allegations as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place. It is also submitted that



appellants are not criminals. It is next submitted that a title suit in between the parties is also pending adjudication.

4. The Court *prima facie* was convinced with the submissions made by the learned counsel appearing on behalf of the appellants, but then the learned Spl. PP and the learned counsel appearing on behalf of the informant submits that since cognizance has been taken as such a *prima faice* case is made out against the appellants and Section 18 of the SC/ST Act bars anticipatory bail when a *prima facie* offence is made out.

5. After hearing the learned counsel for the parties, the appeal is disposed of with a direction to the appellants to surrender before the learned trial court on 23-12-2025 and the learned trial court on the same day shall dispose of the case keeping in mind that police after threadbare investigation came to a considered conclusion that appellants are innocent.

6. The informant is directed to remain physically present before the learned trial court on the said date.

(Satyavrat Verma, J)

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