

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2098 of 2024

Arising Out of PS. Case No.-37 Year-2015 Thana- MAGADH UNIVERSITY District- Gaya

Sabir Khan @ Jabir Khan @ Md. Sabirkhan Son Of Late Aurangjeb Khan @
Late Md. Aournzeb Khan Resident Of Village - Bara, P.S. - Magadh
University, District - Gaya

... .. Appellant/S

Versus

1. The State Of Bihar
2. Basudeo Chaudhary Son Of Late Dukhan Chaudhary Resident Of Village -
Bara, P.S. - Magadh University, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinod Kumar, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-10-2025 1. Heard learned counsel for the appellant and the
learned Special P.P. Mr. Binay Krishna.

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 20.03.2024 in ABP No.91/2024, Tr. No.398/2019,
passed by the learned Special Judge, SC/ST Act, Gaya in
connection with Magadh University P.S. Case No.37/2015,
registered under Sections 341, 323, 325, 504, 34 of the Indian
Penal Code as well as Sections 3(i)x of the SC/ST Act.

3. Learned counsel for the appellant submits that the



appellant is a person with clean antecedent. It is next submitted that police after threadbare investigation came to a considered conclusion that appellant is innocent and thus submitted final form exonerating the appellant of the allegation as alleged in the FIR but then the learned trial court differing with the police report took cognizance and thus appellant apprehends arrest. It is next submitted that when one investigating agency after threadbare investigation came to a considered conclusion that appellant is innocent, whether it would be prudent for a Court to send the appellant to jail based on an order of cognizance which came to be taken based on the same police report which had exonerated the appellant of the allegation. The Court finds merit in the submission of the learned counsel appearing on behalf of the appellant. The learned counsel next submits that even the parties have compromised the case as such no useful purpose would be served by sending the appellant to jail. It is also submitted that from perusal of the office report dated 25.06.2025, it would manifest that notices on respondent no.2 was validly served but then respondent no.2 chooses not to appear for the reason that the case has been compromised.

4. Learned Special Public Prosecutor Mr. Binay Krishna opposes the appeal of the appellant and submits that



cognizance has been taken which signifies that Court has found a prima facie case against the appellant.

5. After hearing the learned counsel for the parties, the appeal is disposed of with a direction to the appellant to surrender before the learned trial court on or before 10.11.2025, in the event, if the appellant surrenders before the learned trial court on or before 10.11.2025, in that event, the learned trial court shall consider and dispose of the case on the same day, keeping in mind that police after investigation had submitted final form exonerating the appellant of the allegation.

6. The appeal is accordingly disposed of with aforesaid direction.

(Satyavrat Verma, J)

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