

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2229 of 2024

Arising Out of PS. Case No.-8 Year-2023 Thana- SC/ST District- Sitamarhi

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1. Ramesh Raut S/o- Shankar Raut Village- Patel Nagar PS-Dhaka Dist- East Champaran
 2. Kamlesh Raut son of Shankar Raut Village- Patel Nagar PS-Dhaka Dist- East Champaran
 3. Sanjay Raut son of Shankar Raut Village- Patel Nagar PS-Dhaka Dist- East Champaran
 4. Ranjay Raut son of Shankar Raut Village- Patel Nagar PS-Dhaka Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ram Sewak Manjhi S/O- Late Bhutta Manjhi Resident of Village- Bhokraha Kothi, Ward No.- 08, P.S. Majorganj, District - Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hans Lal Kumar, Adv
For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-11-2025 Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel for 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 15.02.2024 in A.B.P. No. 06/2024/18/2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (PoA) Act, Sitamarhi, in connection with Sitamarhi P.S.



Case No. 08 of 2023 registered for the offences punishable under Sections of the Indian Penal Code as well as Sections 447, 341, 323, 354, 504, 506 and 34 of the I.P.C. and Sections 3(i)(r) (s), 3(2)(va) of the SC/ST (PoA) Act.

3. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that police after investigation came to a considered conclusion that appellants are innocent and thus submitted final form exonerating the appellants of the allegation as alleged in the FIR but then the learned Trial Court differing with the Police report took cognizance as such the appellants apprehend their arrest. It is submitted that when one investigating 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.

4. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellants and submits that once the Court has taken cognizance, it would be construed that a *prima facie* offence under the SC/ST Act is made out as such anticipatory bail would not be maintainable.

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 or before 18.11.2025, in the event if the appellants surrender on or before 18.11.2025, the learned Trial Court shall dispose of the case on the same day keeping in mind that Police after threadbare investigation had exonerated the appellants of the allegation as alleged in the F.I.R.

(Satyavrat Verma, J)

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