

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2441 of 2024

Arising Out of PS. Case No.-12 Year-2019 Thana- SC/ST District- Madhepura

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1. Kamleshwari Prasad Singh @ Shailendra Prasad Singh @ Kameshwar Singh, Son Of Late Mahendra Narayan Singh Village- Mohanpur Sundar Sukhasan, Ps- Kumarkhand, Dist- Madhepura
 2. Anmol Yadav, Son Of Mahadeo Yadav Village- Tikulia, Ps- Kumarkhand, Dist- Madhepura

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sadanand Rishideo, Son Of Late Biran Rishideo Village- Bishanpur Mushari Tola, Ps- Kumarkhand, Dist- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Mishra- Advocate
For the Respondent/s : Mr. Binay Krishna- Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 10-01-2025 1. Heard learned counsel for the appellants and the learned Special Public Prosecutor 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 3-5-2024 in A.B.P. No.597 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Madhepura, in connection with Madhepura SC/ST P.S. Case No. 12 of 2019 registered for the offences punishable under Sections 374, 323, 504, 506 and 34 of the Indian Penal



Code, Sections 16, 17, and 18 of the Bonded Labour Act and Sections 3(i)(R)(S)(H) of the SC/ST Act.

3. The learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is next submitted that police after threadbare investigation came to a considered conclusion that appellants are innocent, hence submitted Final Form No.18 of 2019 dated 31.07.2019, but then the learned Magistrate differing with the police report took cognizance, as such the appellants apprehend arrest. It is submitted that appellant no.1 is aged about 94 years and was a freedom fighter and has remained a person with clean antecedent all through out.

4. It is further 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 based on an order of cognizance which came to be taken based on an investigation report which had exonerated the appellants of the offence.

5. The learned Special P. P., Mr. Binay Krishna, fairly submits that the said submission of the learned counsel



appearing on behalf of the appellants cannot be countenanced, but then submits that since learned court has taken cognizance as such a *prima facie* offence is made out against the appellants, hence anticipatory bail would not be maintainable.

6. In view of the submissions made by the learned Special P. P., the appeal is disposed of with a direction to the appellants to surrender before the learned trial court on or before 10.02.2025 and the learned trial court is directed to dispose of the case on the same day keeping in mind the submissions made by the learned counsel for the appellants as recorded herein above.

(Satyavrat Verma, J)

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