

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2473 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- BAHADURPUR District- Patna

-
1. Mahesh Prasad S/o Late Raghunath Prasad R/o Mohalla-NAND NAGAR COLONY, SAIDPUR, P.S-bahadurpur, District-Patna
 2. Sumit kumar S/o Mahesh Prasad R/o Mohalla-NAND NAGAR COLONY, SAIDPUR, P.S-bahadurpur, District-Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Pintu Rajak S/o Late Lallu Rajak R/o Mohalla-NAND NAGAR COLONY, P.S-bahadurpur, District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailendra Kumar Jha, Advocate
For the State : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 18-12-2025 Heard learned counsel for the appellants and learned
Special P.P. 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 22.04.2024, passed by learned Exclusive Special Court, SC/ST Act, Patna in connection with Bahadurpur P.S. Case No.80 of 2024, registered under Sections 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code as well as Section 3(2)(va) of the SC/ST Act.



3. Learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 20.02.2024 at 10:30 p.m., the accused persons including the appellants came along with unknown accused and abused by taking caste name and destroyed the household articles, further the informant and his family members concealed themselves in a room as the accused had come to kill the informant, further entire occurrence was recorded in the CCTV, it is also alleged that when informant came out of the house, he was assaulted and accused fled with Rs.45,000/- and ornament worth Rs.5,000/-

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations, as alleged in the FIR, it would manifest that the allegation of assault and abuse is general and omnibus in nature and the entire occurrence took place at the house of the informant and thus was not in public view. It is also submitted that though it is alleged that entire occurrence was recorded in the CCTV but then during the course of investigation, no CCTV footage came to the fore or else the same would have been recorded in the case diary. It is next submitted that the case



initially was taken up on 30.07.2024 when this Court had granted no coercive action against the appellants until the appeal is finally adjudicated by this Court and the FIR was instituted on 22.02.2024, it is further submitted that from 22.02.2024 till 07.08.2024, the police did not make any endeavor to arrest the appellants as the allegation was not inspiring confidence but then in a mechanical manner chargesheet came to be submitted based on which cognizance has been taken and thus appellants apprehend their arrest. It is submitted that since there is no specific allegation of abuse and assault against the appellants hence, appellants be granted the privilege of anticipatory bail.

5. The Court prima facie was convinced with the arguments made by the learned counsel appearing on behalf of the appellants but the learned Special P.P. submits that since cognizance has been taken, as such, a prima facie case is made out and Section 18 of the SC/ST Act bars anticipatory bail application, but then after perusing the case diary the learned Special P.P. is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that no CCTV footage during the course of investigation was produced before the police.

6. 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 07.01.2026 and the learned Trial Court shall dispose of the appeal on the same day keeping in mind the fact that this Court after hearing the appellants by order dated 08.08.2024 had granted no coercive action and prior to that police made no endeavor to arrest the appellants.

(Satyavrat Verma, J)

Sanjay/-

U		T	
---	--	---	--

