

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3313 of 2025

Arising Out of PS. Case No.-149 Year-2019 Thana- MADHUBAN District- East Champaran

1. Sanjay Kumar Sah @ Sanjay Kumar S/o- Bishu Sah Village- Talimpr PS- Madhuban District- East Champaran
2. Bishu Sah S/o- Late Sudhu Sah Village- Talimpr PS-Madhuban District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Most. Sunam Devi W/o- Late Santosh Ram Village- Baki Rikma PS- Madhuban District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-09-2025 **Re:- I.A. No.1/2025**

1. Heard the learned counsel for the appellants, learned Spl. P.P. for the State and learned counsel for the informant.

2. Learned counsel appearing on behalf of the appellants submits that there is delay of 108 days in filing the appeal.

3. For reasons stated in the Limitation application, the delay is condoned.

4. I.A. No.1/2025 stands allowed.

Re: Cr. Appeal No.3313/2025

5. 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 18.01.2025 in A.B.P. No. 80 of 2025 passed by the learned Special Judge S.C. & S.T. Act, East Champaran, Motihari, in connection with Madhuban P.S. Case No. 149 of 2019, registered for the offences punishable under Sections 341, 323, 307, 302, 34 of the Indian Penal Code as well as Sections 3(1)(r)(s)/2(v)(A) of the SC/ST Act.

6. Learned counsel appearing on behalf of the appellants submits that police after investigation submitted final form exonerating the appellants of the allegation but then the learned trial court differing with the police report took cognizance, as such, appellants apprehend arrest. It is next 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 the same police report which exonerated the appellants of the allegations.

7. Learned Spl.P.P. for the State is not in a position to rebut such submission of learned counsel appearing on behalf of the appellants but then submits that since cognizance has been



taken, hence, a *prima facie* offence is made out against the appellants and the SC/ST Act prohibits anticipatory bail where *prima facie* offence is made out.

8. At this stage, learned counsel appearing on behalf of the appellants seeks permission to withdraw the appeal with liberty to the appellants to surrender and seek bail.

9. Permission is accorded.

10. Accordingly, the appeal is dismissed as withdrawn.

11. In the event if the appellants surrender on or before 09.10.2025, the learned trial Court shall consider and dispose of the application on the same date, keeping in mind that one investigating agency after threadbare investigation came to a considered conclusion that appellants were innocent.

(Satyavrat Verma, J)

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