

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.864 of 2025

Arising Out of PS. Case No.-200 Year-2024 Thana- DIGHWARA District- Saran

1. Jodha Singh son of Sri Singh Resident of Village -Manupur PS- Dighwara Dist -Saran
2. Sudhir Kumar singh son of Late Ramjee Singh Resident of Village -Manupur PS- Dighwara Dist -Saran
3. Jitendra Rai @ Jitendra Kumar Rai son of Harendra Rai Resident of Village -Manupur PS- Dighwara Dist -Saran
4. Chathu Mahto Son of Dhanai Mahto Resident of Village -Manupur PS- Dighwara Dist -Saran
5. Daroga Singh son of Sri Singh Resident of Village -Manupur PS- Dighwara Dist -Saran
6. Ganesh singh son of Darwesh Singh @ Darweshwar Singh Resident of Village -Manupur PS- Dighwara Dist -Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu singh Wife of Manish Kumar D/O-Late Kameshwar Prasad Singh Resident of Village -Manupur Po- Manupur, PS- Dighwara Dist -Saran

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Narendra Kumar, Advocate Mr. Akash Ambuj, Advocate Ms. Anushka Kumari, Advocate
For the State	:	Mr. Manoj Kumar, Advocate
For the O.P. No. 2	:	Mr. Arjun, Advocate Mr. Anjani Parashar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 24-09-2025

Heard learned counsels for the parties.

02. The present criminal revision petition has been filed against the order dated 26.06.2025 passed by learned Sessions Judge, Saran at Chapra in Cr. Misc. (Bail Cancellation) No. 61 of 2025 arising out of Dighwara P.S. Case No. 200 of



2024 whereby and whereunder the learned Sessions Judge cancelled the bail granted to the petitioners by the court of learned Additional Chief Judicial Magistrate-II, Saran at Chapra on different dates.

03. Learned counsel for the petitioners submits that the learned Sessions Judge cancelled the bail of the petitioners and other co-accused persons mainly on two grounds. The first ground considered by the learned Sessions Judge was that some of the co-accused persons concealed their criminal antecedents. Further consideration by the learned Sessions Judge was that on 05.10.2024, a prayer was made before the learned ACJM for adding relevant provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') but he did not transfer the record to the Special Judge, SC/ST Act, rather he granted privilege of bail to the accused persons vide orders dated 18.10.2024, 25.10.2024, 26.10.2024 and 30.10.2024, respectively. Learned counsel further submits that when the FIR did not disclose commission of any offence under the provisions of the SC/ST Act and during the relevant time no provisions of the SC/ST Act was mentioned or added in the FIR, the learned ACJM passed the orders considering the facts before it. It is



immaterial that a prayer was pending before the ACJM about incorporation of provisions of the SC/ST Act in the said case. When no case was registered under any of the provisions of the SC/ST Act, there was no question of transferring the matter to the learned Special Judge and as the learned ACJM was having jurisdiction to pass the order, which cannot be said to be illegal. Learned counsel next submits that further no offence under Section 307 of IPC is made out against the petitioner since there is no direct, specific, valid or cogent material on record to suggest the petitioners were involved in the offence in question. Rather there is no material to show that the petitioners have committed any offence or participated in the alleged occurrence. Therefore, the order dated 26.06.2025 passed by learned Sessions Judge, Saran at Chapra in Cr. Misc. (Bai Cancellation) No. 61 of 2025 is erroneous and not sustainable in the eye of law and the same needs to be set aside against the petitioners.

04. Learned counsel for the State as well as learned counsel appearing on behalf of opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 2 submits that there is no infirmity in the impugned order and the same does not need any interference by this court. Learned counsel further submits that



the learned ACJM sat over the matter when prayer was made for incorporation of the provisions of the SC/ST Act after adding relevant sections. This prayer was made on 05.10.2024. But thereafter in undue haste on 18.10.2024, 25.10.2024, 26.10.2024 and 30.10.2024, the petitioners were granted bail by the learned ACJM. The learned Sessions Judge took note of this fact and set aside the aforesaid orders granting bail to the petitioners and others. Learned counsel further submits that moreover while granting bail to the petitioners, the learned ACJM did not consider the injuries and commission of offence under Section 307 of IPC. Therefore, the orders of the learned Sessions Court could not be said to be erroneous. Learned counsel further submits that the learned Sessions Court also granted liberty to the petitioners to surrender before the learned Special Judge, SC/ST and to make prayer for regular bail. Considering all the facts and circumstances, the impugned order could not be said to be erroneous or illegal.

05. I have given my thoughtful consideration to the rival submission of the parties and perused the record.

06. It is apparent that the present case before this Court is one such case where new offences have been added in the FIR and bail granted to the petitioners was cancelled. The



Hon'ble Supreme Court in the case of *Pradeep Ram v. State of Jharkhand, (2019) 17 SCC 326*, has taken a view that if some serious offence comes to be added subsequently and prayer is made on behalf of prosecution for cancellation of bail granted to such person for some charges/offences, which were of less serious nature, such person can be taken into custody after cancellation of his bail. But the same would depend on the facts and circumstances and nature of subsequent offences. The learned ACJM granted bail to the petitioners when there was no mentioning of any offence committed under provisions of the SC/ST Act. Subsequently, the offences under Sections 3(1)(r)/3(2)(va) of the SC/ST Act were added. Already the FIR was registered under Sections 147, 341, 323, 324, 325, 307, 504, 506/34 of IPC. Further incorporation of the offences under the provisions of 3(1)(r)/3(2)(va) of the SC/ST Act would not said to be addition of an offence serious/heinous than Section 307 of IPC.

07. Sections 3(1)(r) and 3(2)(va) of the SC/ST Act read as under:

“3. Punishments for offences atrocities.—3 (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—.....

.....

(r) intentionally insults or intimidates



with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

.....
shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine;”

Evidently the subsequent addition of offences under provisions of SC/ST Act cannot be said to be graver than the offence under Section 307 of IPC.

08. It is evident that while considering the prayer for bail, the learned ACJM was empowered to grant bail to such persons in a situation which was in existence before him. Therefore, subsequent incorporation of offences under Sections 3(1)(r)/3(2)(va) of the SC/ST Act notwithstanding, the previous



grant of bail could not be faulted.

09. Another aspect which has been stressed by the learned Sessions Judge in the impugned order is that the application for addition of offences under the provisions of the SC/ST Act has been pending before the learned ACJM. But the learned ACJM not proceeding in the matter for disposal of the said application, could not take away the substantive rights which have accrued to the petitioners. Even the perusal of the relevant portion of the FIR does not show that any inference could have been drawn about commission of offence under the provisions of the SC/ST Act. Apparently, the informant is not a person belonging to the Scheduled Castes and the Scheduled Tribes (SC/ST) category. There are no details about the persons who are the victims that they belong to the SC/ST category. In these circumstances, the learned ACJM proceeded on the basis of material before it and hence, granting bail to the petitioners was just and proper. Therefore, I am of the opinion that the learned Sessions Judge while interfering with the bail granted to the present petitioners and ordering for cancellation of the bail granted to the petitioners, committed an illegality. Hence, the order dated 26.06.2025 could not be sustained and the same is set aside so far as the petitioners are concerned.



10.Accordingly, the present criminal revision petition
stands allowed.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.09.2025
Transmission Date	26.09.2025

