

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4494 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- SC/ST District- Aurangabad

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1. Praphul Kumar @ Praful Kumar S/o Dilip Kumar R/o vill - Fadarpura, P.S. - Rafiganj, Distt. - Aurangabad
 2. Aman Kumar S/o Kameshwar Mahto R/o vill - Fadarpura, P.S. - Rafiganj, Distt. - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Rubi Devi W/o Bigan Choudhary R/o vill - Mahuaian, P.s - Kasma, Distt. - Aurangabad

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Ashok Kumar Singh, Advocate
For the State	:	Mrs. Usha Kumari 1, Special P.P.
For the Informant	:	Mr. Rohit Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-12-2025 Heard learned counsel for the appellants, Mrs. Usha Kumari-1, learned Special P.P. for the State and the learned counsel appearing on behalf of 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 10.09.2024, passed by learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with SC/ST P.S. Case No.16 of 2024, registered under Sections 341, 323, 354, 504, 506 and 34 of the Indian



Penal Code as well as Sections 3(1)(r), 3(I)(s), 3(I)(w) and 3(2) (Va) of the SC/ST Act.

3. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that her husband sells toddy in the village and the appellants came and started abusing by taking caste name and also destroyed the utensils.

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 the date of occurrence is 07.06.2024 and the FIR came to be instituted on 10.06.2024, i.e., after a delay of three days without any plausible explanation. It is further submitted that police after investigation submitted charge-sheet based on which cognizance came to be taken and thus appellants apprehend their arrest. It is next submitted that police during the course of investigation never felt the need of arresting the appellants. It is submitted that when police during the course of investigation never felt the need of arresting the appellants, whether it would be prudent for the Court to send the appellants to jail based on an order of cognizance.

5. The learned Special P.P. and the learned counsel



appearing on behalf of the informant oppose the appeal. It is submitted that police after investigation submitted charge-sheet based on which cognizance came to be taken, as such, a *prima facie* case is made out.

6. After hearing learned counsel for the parties, the appeal is disposed of with a direction to the appellants to surrender before the learned Trial Court on 15.12.2025 and the learned Trial Court shall consider and dispose of the case on the same day keeping in mind the fact that FIR was instituted after a delay of three days and police during the course of investigation never felt the need of arresting the appellants. The informant is also directed to remain physically present before the learned Trial Court on 15.12.2025.

(Satyavrat Verma, J)

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