

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4922 of 2024

Arising Out of PS. Case No.-147 Year-2024 Thana- SAHPUR District- Patna

Subodh Rai Son of Rajnath Ray Resident of Village- Habaspur, Patlapur, P.S.-
Shahpur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Baleshwari Devi W/O Late Harivansh Ram Resident of Vill- Makshudpur,
Ward No. 3, P.S.- Shahpur, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kumar Mritunjay, Adv.
For the informant	:	Mr. Md. Ali Imran, Adv.
For the Respondent/s	:	Ms.Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 13-11-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl.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 in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail of the appellant vide order dated 02.08.2024 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with A.B.P. No. 2904/24 arising out of Sahpur P.S. Case No. 147 of 2024 dated 18.04.2024 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 302, 338, 504, 506 of the Indian Penal Code, Section 27 of the



Arms Act and Sections 3(1)(r)(s)/ 3(2)(va)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, on 14.04.2024, the informant and some people were celebrating *Ambedkar Jayanti*, in the meantime, some anti-social elements started abusing by taking caste name for which the informant and her community members raised objection. Due to this reason, on 17.04.2024, the F.I.R. named accused persons alongwith some other persons having arms came there and pelted stones and bricks on the community members of the informant due to which they sustained injuries thereafter some accused persons started firing in which one Vikram Kumar received gun shot injury and fell down and in course of taking him to the Sub-Divisional Hospital, he died.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The appellant is not named in the F.I.R. The appellant has been made accused in this case merely on suspicion. There is no specific allegation against the appellant. The appellant was not present at the place of occurrence. Learned counsel has further submitted that no particular caste name has been called by the appellant hence, no case is made out under SC/ST Act. The



appellant has no concern with the alleged offence. The appellant has no criminal antecedent.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State have vehemently opposed the anticipatory bail petition of the appellant and submitted that the instant anticipatory bail application is not maintainable and from perusal of the impugned order vide order dated 02.08.2024, it appears that the process u/ss 82 and 83 of the Cr.P.C. have already been issued against the appellant. The appellant is declared a proclaimed offender. Learned counsel has further relied upon the case of *(Abhishek vs. State of Maharashtra (2022) 14 SCC 529)* where it was held that “As regards the implication of proclamation having been issued against the appellant, we have no hesitation in making it clear that any person, who is declared as an ‘absconder’ and remains out of reach of the investigating agency and thereby stands directly at conflict with law, ordinarily, deserves no concession or indulgence.” Reliance has further been placed on the decisions of *(Lavesh vs. State (NCT of Delhi) (2012) 8 SCC 730, Adri Dharan Das vs. State of W.B. (2005) 4 SCC 303)* and *(Prem Shankar Prasad vs. State of Bihar 2021 SCC Online SCC 955)* and in the case of *(State of Haryana vs. Dharamraj (Cr. Appeal*



No. 2635 of 2023 @ out of SLP (Cri.) No. 2256 of 2022, reported in 2023 LiveLaw (SC) 739: 2023 INSC 784 disposed of 29.08.2023 wherein the Hon'ble Apex Court has held that: *"Anticipatory bail can be granted to a person to a proclaimed offender only in exceptional and rare case."* It is further submitted that the materials available on the record do not reveal any exceptional or rare case due to which the plea of anticipatory bail may be considered. Learned counsel has further relied upon the case of **Srikant Upadhyay & Ors. Vs. State of Bihar & Anr. reported in 2024 INSC 202**, the Hon'ble Supreme Court vide para-24 of the said judgment has been pleased to hold that *"at any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power"*.

6. Considering the aforesaid facts and circumstances of the case as well as the appellant having been declared a proclaimed offender, the anticipatory bail petition is not maintainable. I am not inclined to set aside the impugned order dated 02.08.2024 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with A.B.P. No. 2904/24 arising out of Sahpur P.S. Case No. 147 of 2024. Accordingly, the same is disposed of with direction to the appellant to



surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail and the learned Court below may consider his prayer for regular bail in accordance with law without being prejudiced by this order.

7. The application stands disposed of.

(Chandra Prakash Singh, J)

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