

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5686 of 2024

Arising Out of PS. Case No.-96 Year-2007 Thana- KHAIRA District- Jamui

Arjun Singh S/o Late Shreedhar Singh @ Sildhar Singh R/o Village- Nijuara,
PS- Khaira, District- Jamui

... .. Appellant/s

Versus

1. The State of Bihar
2. Ganauri Paswan S/o Hukari Paswan R/o vill - Niguara, P.S. - Khaira, Distt.-
Jamui

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mukul Jee, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Special P.P.
For Res. No.2	:	Mr. Uday Pratap Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 13-11-2025 Heard learned counsel for the appellant, learned
Special P.P., Mrs. Usha Kumar 1 as well as learned counsel
appearing on behalf of respondent no.2.

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 19.11.2024, passed by learned Additional Sessions
Judge-I, Jamui in connection with Khaira P.S. Case No.96 of
2007, registered under Sections 435, 447, 341, 323, and 504/34
of the Indian Penal Code and Sections 3(x) of the SC/ST Act.

3. Learned counsel appearing on behalf of the



appellant submits that appellant was named in the FIR but then police after investigation submitted final form exonerating the appellant of the allegation, as alleged in the FIR, and the final form was accepted but then during the course of trial, summons under Section 319 Cr.P.C. was issued requiring the appellant to appear and face the trial. It is next submitted that appellant was completely unaware that he has been summoned to face trial. It is further submitted that thereafter non-bailable warrant of arrest and process under Section 82 Cr.P.C. has been issued. It is next submitted that appellant is 81 years of age.

4. Learned counsel appearing on behalf of the informant does not dispute the submission of the learned counsel appearing on behalf of the appellant that appellant is 81 years of age but then submits that he was named in the FIR and subsequently he was exonerated but during the course of trial, certain material transpired necessitating issuance of summons under Section 319 Cr.P.C. but then appellant did not respond. It is also submitted that it is not pleaded in the appeal that as to whether appellant received the summons or not.

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



- 6. Permission, as prayed for, is granted.
- 7. The appeal is dismissed as withdrawn.
- 8. It is made clear that if appellant surrenders and seeks regular bail on or before 28.11.2025, in that event, the learned Trial Court shall consider and dispose of the case on the same day keeping in mind the fact that appellant is aged about 81 years and police after investigation had exonerated him by submitting a final form and the same was accepted but subsequently summons under Section 319 Cr.P.C. was issued.

(Satyavrat Verma, J)

Sanjay/-

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