

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.48 of 2025

Arising Out of PS. Case No.-142 Year-2018 Thana- SC/ST District- East Champaran

1. Rajeev Rai @ Rajeev Ranjan son of Sakal Rai Resident of village - Raghunathpur Nagar Naraha, Ps- Rajepur, Dist- East Champaran
2. Sarvjeet Rai @ Sarvjeet Kumar son of Sakal Rai Resident of village - Raghunathpur Nagar Naraha, Ps- Rajepur, Dist- East Champaran
3. Vijay Rai @ Vijay Kumar son of Ramdeo Rai Resident of village - Raghunathpur Nagar Naraha, Ps- Rajepur, Dist- East Champaran
4. Kapil Rai @ Kapildeo Rai son of Late Jugutlal Rai Resident of village - Raghunathpur Nagar Naraha, Ps- Rajepur, Dist- East Champaran
5. Mukesh Rai @ Mukesh Kumar @ Ajay Kumar son of Kapil Rai Resident of village - Raghunathpur Nagar Naraha, Ps- Rajepur, Dist- East Champaran
6. Rajesh Rai @ Rajesh Kumar Son of Kailash Rai Resident of village - Raghunathpur Nagar Naraha, Ps- Rajepur, Dist- East Champaran
7. Shashi Rai @ Shashi Ranjan Kumar son of Kailash Rai Resident of village - Raghunathpur Nagar Naraha, Ps- Rajepur, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Nand Lal Baitha son of Kailash Baitha village- Chakki Hanuman Nagar, ps- Rajepur, Dist- East champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Special P.P.
For the Informant	:	Mr. Jitendra Kumar Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 20-11-2025 Heard learned counsel for the appellants, Mrs. Usha Kumari-1, learned Special P.P. and 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 01.10.2024, passed by learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Motihari SC/ST P.S. Case No.142 of 2018, registered under Sections 341, 323, 379, 504 and 34 of the Indian Penal Code as well as under Sections 3(1)(a)(r)(s) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is next submitted that during course of investigation, the police had given notice under Section 41-A of the Cr.P.C. and the appellants all throughout co-operated with the police in the investigation and the police never felt the need of arresting the appellants but then charge-sheet came to be submitted based on which cognizance came to be taken, hence, appellants apprehend their arrest. It is next submitted that when police during the course of investigation never felt the need of arresting the appellants, as such, no useful purpose would be served by sending the appellants to jail.

The learned Special P.P. and the learned counsel appearing on behalf of the informant oppose the appeal. Learned counsel appearing on behalf of the informant submits that police



after investigation submitted charge-sheet and thereafter cognizance came to be taken which amply demonstrates that a *prima facie* offence is made out and Section 18 of the SC/ST Act bars anticipatory bail, if a *prima facie* offence is made out, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that police during the course of investigation had given notice under Section 41-A of the Cr.P.C. and the police never felt the need of arresting the appellants during the course of investigation.

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 03.12.2025 and on the said date the informant shall also remain present before the learned Trial Court and the learned Trial Court on the same day shall consider and dispose of the application of the appellants keeping in mind that police during the course of investigation never felt the need of arresting the appellants.

(Satyavrat Verma, J)

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