

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.199 of 2024

Arising Out of PS. Case No.-14 Year-2016 Thana- MADHUBAN District- East Champaran

Md. Jahiruddin Son Of Abdul Gafur Resident Of Village - Batrauliya, P.S. -
Muffasil, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Kumari Wife of Ram Prasad Mahto Resident Of Village - Baag
Dulhan, P.S. - Hajipur, District - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Advocate
For the State : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-11-2025 Heard learned counsel for the appellant and learned
Special P.P., Mr Binay Krishna. None appears 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 06.12.2023, passed by learned Special Judge SC/ST
Act, East Champaran, Motihari in connection with Madhuban
P.S. Case No.14 of 2016, registered under Sections 504, 427 of
the Indian Penal Code and Section Sections 3(i)(x) of the SC/ST
Act.



3. Learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent. It is next submitted that during investigation, appellant was given notice under Section 41(1) Cr.P.C. and the appellant co-operated in the investigation and the police never felt the need of arresting the appellant. It is next submitted that police in mechanical manner submitted charge-sheet based on which cognizance came to be taken, as such, appellant apprehends his arrest. It is next submitted that when police during the course of investigation never felt the need of arresting the appellant, whether it would be prudent for the court to send the appellant to jail based on an order of cognizance. It is also submitted that no one appears on behalf of respondent no.2 which amply demonstrates that the informant has lost interest in the case.

4. The learned Special P.P. opposes the appeal and submits that since charge-sheet has been submitted and cognizance has taken, as such, a *prima facie* offence is made out.

5. After hearing learned counsel for the parties and since no one appears on behalf of respondent no.2, the appeal is disposed of with a direction to the appellant to surrender before



the learned trial court on or before 01.12.2025 and the learned trial court on the same day shall dispose of the application keeping in mind that police during the course of investigation never felt the need of arresting the appellant.

(Satyavrat Verma, J)

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