

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.104 of 2025

Arising Out of PS. Case No.-84 Year-2022 Thana- BUNIYAD GANJ District- Gaya

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1. Rohit Kumar S/o- Ramashary Yadav Resident Village-Dudhaila, P.S-Buniyadganj, District-Gaya
 2. Rahul Kumar S/o- Ramashary Yadav Resident ov Villaghe-Dudhaila, P.S-Buniyadganj, District-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Pramila Devi W/o- Dipak Paswan Resident Village-Dudhaila, P.S-Buniyadganj, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nand Kishore Prasad Sinha, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Special PP
For the Informant	:	Mr. Dhananjay Kumar Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 27-11-2025 1. Heard learned counsel for the appellants, learned Special PP for the State, Mr. Sadanand Paswan 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 18.11.2024 in A.B.P. No. 338 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Buniyadganj P.S. Case No. 84 of 2022 registered for the offences punishable under Sections 147, 148,



149, 323, 341, 325 and 307 of the Indian Penal Code as well as Sections 3(2)(v) 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 on 20.03.2022 she along with her younger son, Chandan, were going to their field through Yadav Tola, when Rohit pulled her *saree* and started assaulting and Ram Pravesh by butt of gun assaulted Chandan causing injury on head and said by taking caste name that they will not be allowed to stay in the village, further Rahul assaulted by fist causing injury on lips, thereafter Ramashray abused and assaulted by leg and she fell, further her family members came to save her, when Bhola caught her husband Deepak from behind and Shambhu assaulted Deepak by rod causing injury on head while Kamindar assaulted Karan by lathi injuring him, thereafter Ram Vinesh assaulted Niranjan by lathi causing injury on leg, further accused persons assaulted Pankaj by an iron rod and lathi causing injury fracture of hand, thereafter the injured somehow fled and were admitted at NMCH, Gaya.

4. The learned counsel appearing on behalf of the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next



submitted that police after threadbare investigation came to a considered conclusion that appellants are innocent and thus submitted Final Form No. 138 of 2023 dated 23.04.2023 (Annexure-3) exonerating the appellants of the allegations as alleged in the FIR, but then the learned Trial Court differing with the police report took cognizance, hence, appellants apprehend their arrest.

5. The learned counsel appearing on behalf fo the appellants submits that when one Investigating Agency after threadbare investigation came to a considered conclusion that appellants are innocent whether it would be prudent for the Court to send the appellants to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the appellants of the allegation.

6. The learned Special PP for the State and the learned counsel appearing on behalf of the informant opposes the appeal. The learned counsel appearing on behalf of the informant submits that no doubt police during the course of investigation exonerated the appellants of the allegation, but then the learned Trial Court differing with the police report took cognizance, it is submitted that since cognizance has been taken, hence a *prima facie* case is made out, thus anticipatory bail is



not maintainable in view of Section 18 of the SC/ST Act.

7. After hearing the learned counsel for the parties, **the appeal is disposed of** with a direction to the appellants to surrender before the learned Trial Court on 05.12.2025, in the event if the appellants surrender on 05.12.2025, the learned Trial court shall consider and dispose of the case on the same day keeping in mind that police after threadbare investigation exonerated the appellants of the allegations as alleged in the FIR.

8. The learned counsel appearing on behalf of the informant is directed to inform the informant of the case that the case before the learned Trial Court shall be taken up on 05.12.2025.

(Satyavrat Verma, J)

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