

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.66 of 2026

Arising Out of PS. Case No.-10 Year-2023 Thana- SC/ST District- Saran

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Vishal Kumar S/O Gajendra Shah Resident of Village - Kanakpur Ishmela,
P.S- Dighwara, Dist- Saran (Chhapra)

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Maya Devi W/o-Ramesh Chaudhary R/O-village- Mirjapur, P.S- Awatar Nagar, District- Saran (Chhapra).

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Adesh Raj Singh
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 08-04-2026 1. Heard learned counsel for the appellant, learned Spl. P.P. for the State 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 14.11.2025, passed by the learned Additional District and Sessions Judge-cum-Exclusive Special Judge S.C./S.T. (POA) Act, Saran at Chapra in connection with Saran SC/ST Case No.10/2023 registered for the offences punishable under Sections 341, 323, 354, 379, 504, 506, 34 of the Indian



Penal Code as well as Sections 3(1)(r)(s)(w) and 3(2)(Va) of the SC/ST Act.

3. Learned counsel for the appellant submits that the appellant has antecedent of two cases and the informant alleges that on 01.07.2023 at 8 A.M., named accused persons including the appellant came and abused the informant by taking her caste name and even abused her son by taking caste name and assaulted him and the accused persons even acted inappropriately with the informant.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of abuse and assault is general and omnibus in nature i.e. no specific allegation of abuse and assault is alleged against the appellant. It is further submitted that even presuming what has been alleged is true without admitting then the entire occurrence took place at the house of the informant and thus was not in public view. It is further submitted that police after threadbare investigation came to a considered conclusion that appellant is innocent and thus submitted final form exonerating the appellant of the allegation as alleged in the FIR but then the



learned trial court in a mechanical manner differed with the police report took cognizance as such appellant apprehend arrest. Learned counsel for the appellant next submits that since cognizance has been taken by the learned trial court differing with the police report as such a prima facie offence is made out and hence rigors of Section 18 of the SC/ST Act shall apply, but then it is submitted that when one investigating agency after threadbare investigation came to a considered conclusion that appellant is innocent whether it would be prudent for the court to send the appellant to jail based on an order to cognizance which came to be taken on the same police report which had exonerated the appellant of the allegation.

5. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellant but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that police after investigation submitted final form exonerating the appellant of the allegation as alleged in the FIR.

6. After hearing the learned counsel for the parties, the Court was inclined to grant the privilege of anticipatory bail to the appellant but for the order of cognizance as such the



appeal is disposed of with a direction the appellant to surrender before the learned trial court on 20.04.2026.

7. It is made clear, if appellant surrenders before the learned trial court on 20.04.2026, in that event, the learned trial court shall consider and dispose of the appeal on the same day keeping in mind that police after investigation had submitted final form exonerating the appellant of the allegation.

8. The appeal stands disposed of.

(Satyavrat Verma, J)

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