

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.433 of 2024

Arising Out of PS. Case No.-391 Year-2023 Thana- GAYA MUFASIL District- Gaya

Sugan Kumar @ Sugan Kahar S/o Dinesh Prasad @ Dinesh Tailer R/o Vill -
Bhadejee, P.S. - Muffasil, Dist. - Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aryan Singh, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 24-03-2026 1. Heard learned counsel for the appellant and the
learned Special P.P. Ms. Usha Kumari No.I for the State. No one
appears on behalf of the 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 15.12.2023 in A.B.P. No. 426/2023, arising out of
Muffasil P.S. Case No.391/2023 passed by the learned Exclusive
Special Judge, SC/ST Special Court, Gaya registered under
Sections 341, 323, 354, 504, 506, 34 of the Indian Penal Code,
Section 27 of the Arms Act and Sections 3(i)(r)(s) of the SC/ST
Act.



3. Learned counsel for the appellant submits that notice was received by nephew of the respondent no.2 and a jointness application in that regard has been filed. Since jointness application has been filed, as such, the notice is deemed to be validly served. Learned counsel for the appellant submits that informant despite receiving notice chooses not to appear and contest. It is next submitted that appellant has antecedent of one case and the informant alleges that his sister was going for doing labour work, when some girls coming on cycle dashed his sister on which his sister said something to the girl, on which appellant who was coming said why is she accusing him and started abusing and assaulting his sister, further the sister along with others went to the house of appellant and disclosed about the occurrence when appellant started firing, hence his sister out of fear fled, further at 8 P.M. appellant along with four named accused persons came and started firing and assaulted causing injury on Chotu and Malti Devi.

4. Learned counsel submits that 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 in the nature of allegation prima



facie no offence under the SC/ST Act is made out as the informant does not allege that appellant abused his sister by taking her caste name and allegation of firing is ornamental. It is also submitted that allegations are in two part and in the later part it is alleged that appellant along with other accused came and started firing and even assaulted Chotu and Malti but then allegation of firing has been alleged only to give seriousness to the case when no one was injured in the firing nor FIR has been instituted under the Arms Act nor any injury report is on record. It is further submitted that this perhaps explains why the informant despite receiving notice chooses not to appear and contest. It is next submitted that police in mechanical manner investigated the case and submitted charge sheet on 30.09.2024 vide Charge sheet No.918/2024 but then cognizance till date has not been taken.

5. Learned Special Public Prosecutor opposes the appeal but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that despite submission of charge sheet in the year 2024, the cognizance till date has not been taken, after perusing the case diary.

6. After hearing the learned counsel for the parties, the appellant is directed to surrender before the learned trial court



on 06.04.2026 and in the event if it is found that cognizance till 24.03.2026 was not taken, the appellant shall be immediately released on anticipatory bail but if it is found that cognizance was taken prior to 24.03.2026, in that event, the learned trial court shall be at liberty to pass an order in accordance with law.

7. Accordingly, the appeal stands disposed of.

(Satyavrat Verma, J)

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