

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.410 of 2026

Arising Out of PS. Case No.-73 Year-2017 Thana- SC/ST District- Sitamarhi

Sitaram Mahto S/O Anutha Mahto R/O Vill and P.O.- Sahbajpur, P.S.- Riga,
Dist.- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalpari Devi W/O Paltan Ram R/O Vill and P.O.- Sahbajpur, P.S.- Riga,
Dist.- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pratik Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-04-2026 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State, Sri Binay Krishna.

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 9-1-2026 in A.B.P. No. 79 of 2025 passed by the
learned District & Additional Sessions Judge-I, Sitamarhi in
connection with SC/ST P.S. Case No. 73 of 2017 registered for
the offences punishable under Sections 341, 323, 324, 504 of the
Indian Penal Code as well as Sections 3(1)(s) of the SC/ST Act.

3. Learned counsel for the appellant submits that the



appellant is a person with clean antecedent and the informant alleges that on 20-8-2017 his son Kamlesh along with other children were fishing at 12 noon, when appellant came and started abusing the children, who fled, but his son was assaulted by Hasua causing injury on head, further the informant after admitting his son in the PHC came to the house of appellant to confront him when appellant abused by taking caste name.

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 the date of occurrence is 20-8-2017 and the FIR came to be instituted on 25-8-2017, i.e., after a delay of 5 days. It is further submitted that appellant was given notice under Section 41A of the Cr.P.C. and police never felt the need of arresting the appellant and appellant also cooperated in the investigation, but then charge-sheet came to be submitted in the year 2017, based on which cognizance came to be taken as such appellant apprehends arrest.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant and submits that there is a direct allegation against the appellant of assaulting the son of the informant by Hasua. It is next submitted that no doubt at para-9, it has been pleaded that the injuries suffered by the



injured have been opined to be simple in nature, but then appellant is alleged to have assaulted and appellant was aware that an FIR has been instituted against him, since he was given notice under Section 41A of the Cr.P.C and he cooperated in the investigation, but after charge-sheet came to be submitted in the Year 2017, the appellant slept. It is thus submitted that a person who sleeps over his right is not entitled for relief from the Court. It is also submitted that since charge-sheet has been submitted and cognizance has been taken as such a prima facie offence is made out.

6. Considering the submission made by learned Spl.PP, the Court is not inclined to extend the privilege of anticipatory bail to the appellant.

7. Accordingly, the appeal is dismissed.

(Satyavrat Verma, J)

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