

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1931 of 2025

Arising Out of PS. Case No.-20 Year-2023 Thana- SC/ST District- Madhepura

Nayan Devi W/O Murli Yadav @ Murlidhar Yadav Village- Rampur, Ward No.- 05, P.S.- Murliganj, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushma Devi W/O Jitan Sharma Village- Rampur, Ward No.- 05, P.S.- Murliganj, District- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surya Narayan Yadav, Advocate
For the Respondent/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 07-07-2026

1. Heard learned counsel for the appellant and learned Special P.P. for the State, Ms. Usha Kumari No. 1.

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 03.04.2025 in A.B.P. No. 348 of 2025 passed by the learned District and Additional Sessions Judge, 1st -cum- Special Judge S.C./S.T. (POA) Act, Madhepura in connection with Madhepura SC/ST P.S. Case No. 20 of 2023 registered for the offences punishable under Sections 341, 323, 379, 504, 506, 34 of the Indian Penal Code as well as Sections 3(i)(r)(s) (w) and 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellant



submits that from perusal of the office report dated 07.01.2026, it would manifest that the notice has been received by the mother of Respondent No. 2, it is submitted that since notice has been received by the mother of respondent No. 2 hence the same be deemed to be validly served.

4. The Court completely concurs with the submission made by the learned counsel appearing on behalf of the appellant, hence, the notice is deemed to be validly served.

5. It is next submitted that appellant is a person with clean antecedent and is a woman, it is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation is of assault by the accused persons and against the appellant, it is alleged that she bite the injured and snatched the gold earrings, it is further submitted that police after investigation submitted final Form No. 23 of 2023 dated 30.08.2023 exonerating the appellant of the allegation as alleged in the FIR, but then the learned Trial Court differing with the police report took cognizance, it is next 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 of cognizance which came to be taken based on the same police report which exonerated



the appellant of the allegation.

6. Learned Special P.P. for the State opposes the appeal.

7. After hearing the learned counsel for the parties the Court was inclined to grant the privilege of anticipatory bail to the appellant, but since cognizance has been taken, as such, **the appeal is disposed of** with a direction to the appellant to appear before the learned Trial Court on 21.07.2026.

8. It is made clear that if the appellant appears before the learned Trial Court on 21.07.2026, in that event the learned Trial Court shall consider and dispose of the case on the same day keeping in mind the fact that police after investigation exonerated the appellant of the allegation and also keeping in mind the observations of this Court as recorded hereinabove.

9. The final form is kept on record.

(Satyavrat Verma, J)

Nitesh/-

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