

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2269 of 2025**

Arising Out of PS. Case No.-66 Year-2018 Thana- MORKAHI District- Khagaria

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1. Savita Devi W/O Laxman Bhagat Resident of village- Rasaunk, PS- Morkahi, district - Khagaria
  2. Kunal Bhagat @ Kunal Kumar S/O Anil Bhagat Resident of village- Rasaunk, PS- Morkahi, district - Khagaria
  3. Pradeep Bhagat S/O Laxman Bhagat Resident of village- Rasaunk, PS- Morkahi, district - Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Lukho Devi W/O Sakhichan Sada Resident of village- Nawtoliya Rasaunk, PS- Morkahi, district - Khagaria

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr.Ram Sumiran Rai        |
| For the Respondent/s | : | Mr.Usha Kumari 1          |
|                      |   | Mr.Shailendra Kumar Singh |
|                      |   | Ms.Seema Kumari           |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

7      18-06-2026                      1. Heard the learned counsel for the appellants, the learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

2. The appellants have challenged the order dated 15.05.2025 passed by Sri Pawan Kumar Jha, the learned Additional Sessions Judge 1<sup>st</sup>-cum-Special Judge, SC/ST Act, Khagaria in connection with ABA No.24 of 2025 arising out of Morkahi PS Case No. 66 of 2018, instituted for the offences under Sections 504, 506, 420, 406 and 34 of the Indian Penal



Code and Section 3(1)(r) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that appellant nos.1 and 3 are persons with clean antecedent and appellant no.2 has antecedent of one case as would manifest from the supplementary affidavit. It is next submitted that informant alleges that five years back, she had taken loan of Rs.1400/- after mortgaging silver ornament with one Mina Devi. It is next alleged that Mina Devi died on 18.03.2018, thereafter the informant went to the house of Mina Devi for redeeming the mortgage after paying an amount of Rs.6600/-, but grandson of Mina Devi refused to return the silver ornaments. It is next alleged that named accused persons including the appellants also abused her by taking caste name.

4. The learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the same does not inspire confidence as no documentary evidence has been annexed with the FIR showing that any silver ornament worth Rs.1400/- was mortgaged with



Mina Devi. It is next submitted that even presuming what has been alleged is true without admitting, then entire occurrence took place at the house of the appellants, as such, was not in public view, hence rigor of section 18 of the SC/ST (P.O.A.) Act shall not apply. It is also submitted that police after threadbare investigation came to a considered conclusion that appellants are innocent and thus submitted final form but exonerating the appellants of the allegations as alleged in the FIR, but then the learned Trial Court differing with the police report took cognizance in the Year 2019, but then the appellants never received any summons and the appellants for the first time received summon in the Year 2024 and thereafter they moved before the learned District Court seeking anticipatory bail. It is further submitted 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 had exonerated the appellants of the allegations.

5. The learned Special P.P. and the learned counsel appearing on behalf of informant are not in a position to rebut the submission of the learned counsel appearing on behalf of the



appellants that police after investigation submitted final form exonerating the appellants of the allegations, but then it is submitted that since cognizance has been taken, as such, a *prima facie* case is made out.

6. After hearing the learned counsel for the parties, the Court was inclined to extend the privilege of anticipatory bail to the appellants but since cognizance has been taken, as such, the appeal is disposed of with direction to the appellants to surrender before the learned Trial Court on or before 03.07.2026.

7. It is made clear that if the appellants surrender before the learned Trial Court on 03.07.2026, in that event, the learned Trial Court shall consider the case and dispose of the same on the same day keeping in mind the fact that police after investigation submitted final form exonerating the appellants of the allegations as alleged in the FIR and shall also take into account the observation of this court made hereinabove.

8. The appeal is disposed of.

**(Satyavrat Verma, J)**

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