

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2921 of 2025**

Arising Out of PS. Case No.-7 Year-2019 Thana- SIWAN COMPLAINT CASE District-  
Siwan

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1. Pappu Kumar Sriwastav @ Suraj Prakash Srivastav Son of Dinanath Prasad Sriwastav Village- Chauki Hasan, PS- Gautam Budh Nagar (Tarwara), District- Siwan
  2. Jai Prakash Sriwastav Son of Dinanath Prasad Sriwastav Village- Chauki Hasan, PS- Gautam Budh Nagar (Tarwara), District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Nayan Pati Devi Wife of Manai Sah Gond Village- Chauki Hasan, PS- Gautam Budh Nagar (Tarwara), District- Siwan

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Subodh Kumar    |
| For the Respondent/s | : | Mr. Sadanand Paswan |

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

- 7      23-06-2026                      1. Heard learned counsel for the appellants, learned Spl.P.P. for the State. No one appears on behalf of the O.P. 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 19.02.2025 in A.B.P. No. 249 of 2025 passed by the learned 1<sup>st</sup> Additional District and Sessions Judge-cum-Special Judge, Siwan in connection with Complaint Case No. 07 of 2019 registered under Sections 147, 323 and 504 of the Indian Penal Code as well as Sections 3(1)(r) of the SC/ST Act.
3. Learned counsel for the appellants submits that the



case was taken up on 12.05.2026, when no one had appeared on behalf of the O.P. No.2, thereafter the case was again taken up on 13.05.2026, when learned counsel appearing on behalf of the complainant had appeared and sought two weeks time for filing counter affidavit and the case was directed to be listed on 16.06.2026 but then no counter affidavit has been filed till date.

4. Learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 01.11.2019 at 06:30 P.M., accused persons came and started abusing by taking caste name and appellant no. 2 assaulted the complainant by farsa causing injury on head, while Tej Prakash assaulted by rod causing injury on nose, and thereafter, Braj Kishore by butt of daab and Aditya along with Deepak assaulted by rod causing injury on body and Braj Kishore assaulted Sukhdev by butt of daab causing injury on head, further, Tej Prakash, Deepak and Pappu assaulted Prem Chand by rod causing injury and wife of Tej Prakash assaulted Shiv Dayal by brick and Aditya assaulted Satyendra by rod causing injury on back.

5. Learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the complainant. It is further submitted



that it does not appear probable that complainant with such certainty could have alleged who assaulted whom and where and by what. It is further submitted that the complaint petition does not even remotely suggest the motive/reason for the occurrence. It is also submitted that allegation as alleged in the complaint petition does not inspire confidence for the reason that the date of occurrence is 01.11.2019 and the complaint case came to be instituted on 21.01.2020 i.e. after a delay of more than 80 days. It is next submitted that in the complaint petition, it is also alleged that after the occurrence took place, the complainant and the injured went to the Doctor and got themselves treated and thereafter they came to the police station for getting an FIR instituted but then the police asked the complainant to get the issue resolved by a Panchayati. It is further submitted that if the police did not institute an FIR, in that event, the complainant ought to have moved before the superior authority bringing to their notice that despite being assaulted by the side of the appellants, the police are not instituting an FIR. It is thus submitted that a bald plea in the complaint petition has been taken that the complainant had gone to the police station but her FIR was not instituted. It is further submitted that if what has been alleged is a correct fact,



the doctor would have informed the police that injured persons have come for treatment but then that is also not the case. It is also submitted that on account of dispute relating to land, an altercation had taken place as side of the complainant was trying to capture the land of the side of the appellants and on objection, a heated argument took place. It is further submitted that complaint petition also does not even remotely suggest who was the Doctor who treated the complainant and the injured.

6. The learned counsel appearing on behalf of the appellants next submits that it is very easy to file a complaint case and bring two witnesses before the learned trial court and based on the evidence brought on the record by the complainant and her witnesses, cognizance is taken but then the learned Magistrate does not have any wherewithal to examine or to arrive at a conclusion that as to whether what is being brought on record is a correct fact or not. It is further submitted that once cognizance is taken, the trauma begins. It is also submitted that it absolutely does not stand to reason that as to why the learned trial court did not ask a basic question from the complainant that who was the doctor who treated her and the injured. It is submitted that since cognizance has been taken by an order dated 01.10.2024, as such the appellants apprehend their arrest.



It is also submitted that appellants never received any summon nor bailable or non-bailable warrant but then police came knocking the door of the appellants as such they came to know about their implication in the instant complaint case. Learned counsel for the appellants further submits that this perhaps explains why no counter affidavit has been filed by the complainant despite time granted.

7. Learned Special Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellants and submits that since cognizance has been taken, as such a prima facie case is made out.

8. 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 a direction to the appellants to surrender before the learned Trial Court on 14.07.2026, if the appellants surrender on 14.07.2026, in that event, the learned Trial Court shall consider the case on the same day, keeping in mind the observations of this court, as recorded hereinabove.

**(Satyavrat Verma, J)**

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