

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3895 of 2023**

Arising Out of PS. Case No.-59 Year-2020 Thana- ASHOK PAPER MILL District-  
Darbhanga

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1. Amresh Rai @ Amresh Kumar Ray S/O Ratnesh Rai R/O Village- Pator, Ps. Pator Op (APM), Dist. Darbhanga
  2. Shivam Kumar Ray @ Shivam Rai S/O Amresh Rai @ Amresh Kumar Ray R/O Village- Pator, Ps. Pator Op (APM), Dist. Darbhanga

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rajesh Kumar Paswan S/O Sri Bhado Paswan R/O Village- Pator, Tola Mangalpur Ps. Pator Op (apm), Dist. Darbhanga

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Saurav Anand  
For the Respondent/s : Mr. Sadanand Paswan

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

8      20-04-2026                      1. Heard learned counsel for the appellants and the learned Special P.P. 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 21.07.2022 passed by the learned Exclusive Special Judge, SC/ST Darbhanga, in connection with Pator OP (APM) P.S. Case No.59/2020, registered under Sections 341, 323, 504, 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that despite notice being validly served, the informant chooses not to



appear and contest. It is next submitted that appellants are persons with clean antecedent and the informant alleges that on 20.02.2020 at 5.30 P.M. seven named accused persons including the appellants had blocked the road by tractor, it is next alleged that informant was coming from Mahanpur and when he asked the accused persons to give way, they assaulted and snatched his chain and ring.

4. Learned counsel 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 informant does not allege that he was abused by taking caste name rather it is alleged that when he requested the appellants to give way, when he was assaulted but then allegation of assault is not specific. It is also submitted that appellants during the course of investigation cooperated with the police as such police never felt the need of arresting the appellants but then charge sheet came to be submitted, based on which, cognizance was taken under sections 341, 323, 504 and 34 of the Indian Penal Code read with Sections SC/ST Act. It is next submitted that offences under the I.P.C. sections were bailable. It is also submitted that when the police during the course of investigation cooperated with the police as such police never felt the need of arresting the appellants, whether it would be prudent



for the court to send the appellants to jail, based on an order of cognizance.

5. Learned Special Public Prosecutor opposes the appeal and submits that since charge sheet has been submitted and cognizance taken, as such, a prima facie offence is made out, hence rigors of Section 18 of the SC/ST Act shall apply.

6. After hearing the learned counsel for the parties, the Court was inclined to grant the privilege of anticipatory bail to the appellants but for the order of cognizance, as such, the appeal is disposed of with a direction to the appellants to surrender before the learned trial court on 01.05.2026, in the event, if the appellants surrender before the learned trial court on 01.05.2026, the learned trial court shall consider and dispose of the case on the same day keeping in mind the fact that police during the course of investigation never made any endeavour to arrest the appellants and cognizance came to be taken under bailable sections of the IPC and informant does not allege that he was abused by taking caste name.

7. Accordingly, the appeal stands disposed of.

**(Satyavrat Verma, J)**

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