

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4078 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- AMAS District- Gaya

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1. Uttam Kumar Son of Prem Yadav Resident of Village - Chature Khap, P.S. - Amas, District- Gaya
 2. Gautam Kumar Son of Prem Yadav Resident of Village - Chature Khap, P.S. - Amas, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Manorma Devi Wife of Vikash Paswan Resident of Village - Chature Khap, Ramuachak, P.S. - Amas, District- Gaya

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Md. Javed Jafar Khan, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Shailesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-01-2026 Heard learned counsel for the appellants, Mr. Sadanand Paswan, learned Special P.P. for the State as well as learned counsel appearing on behalf of the informant.

2. This is an appeal under Section 14A(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 05.08.2024, passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Amas P.S. Case No.110 of 2024, registered under Sections 323, 341, 379, 354B, 504, 506, 147 and 149 of the Indian Penal Code as well as Sections 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)



(va) of SC/ST (POA) Act.

3. The learned Special P.P., at the outset, submits after perusing the case diary that appellants, during the course of investigation, were given notice under Section 41A of the Cr.P.C. It is next submitted that thereafter charge sheet came to be submitted based on which cognizance came to be taken.

4. The learned counsel appearing on behalf of the appellants does not dispute the said submission of the learned Special P.P. but then submits that appellants co-operated in the investigation and the police never felt the need of arresting them but then charge sheet came to be submitted based on which cognizance came to be taken. It is thus, submitted that when police, during the course of investigation, 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. The learned Special P.P. and the learned counsel appearing on behalf of the informant oppose the appeal but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that police, during the course of investigation, never felt the need of arresting the appellants and appellants co-operated in the investigation but then learned Special P.P. submits that cognizance signifies a *prima facie* offence and thus rigors of Section 18 of the SC/ST Act would apply.



6. After hearing the learned counsel for the parties, the Court was inclined to extend the privilege of anticipatory bail to the appellants but then 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 19.01.2026 and the learned Trial Court shall, on the same day, dispose of the case keeping in mind the fact that appellants were given benefit of Section 41A of the Cr.P.C. and the police, during the course of investigation, never felt the need of arresting the appellants and the appellants co-operated in the investigation.

(Satyavrat Verma, J)

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