

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3576 of 2025**

Arising Out of PS. Case No.-299 Year-2019 Thana- DINARA District- Rohtas

GAURI SHANKAR RAY S/o- Nepal Ray @ Gopal Ray Resident of Village-
Gangarhi Police Station-Dinara District- Rohtas

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raghunandan Kumar Singh, Adv
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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

4 06-01-2026 Heard learned counsel for the appellant, Mr. Binay
Krishna, learned Spl. P.P. for the State.

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 26.06.2025 in registration No. 238 of 2019 passed by the learned District and Additional Sessions Judge-17-cum-Special Court, SC/ST (PoA) Act, Sasaram Rohtas, in connection with Dinara P.S. Case No. 299 of 2019 registered for the offences punishable under Sections 341, 323, 504 and 506 of the I.P.C. and Section 3(1)(r)(s) of the SC/ST (PoA) Act.

3. The learned Spl. PP, at the outset, submits that the case was taken up on 11.11.2025, wherein learned Spl. PP was



directed to communicate the SP/SHO with regard to the pendency of the appeal so that the informant is informed about the case, so that he remains present in the case on the next date of hearing. It is further submitted that in compliance of the order dated 11.11.2025, the SP/SHO was duly informed and he has received service report showing that the informant has been informed about the case. Learned Spl. PP submits that informant despite receiving notice chooses not to appear and contest.

4. Learned counsel for the appellant submits that the appellant is aged about 70 years and is a person with clean antecedent. It is next submitted that in sum and substance the allegation as alleged in the FIR is that the informant alleges that the appellant assaulted his son on the pretext that the son of the informant had thrown stones at the tree of the appellant. It is further submitted that police during the course of investigation gave benefit of Section 41A of the Cr.P.C. and the appellant co-operated in the investigation. It is next submitted that police during the course of investigation never felt the need of arresting the appellant, but then charge sheet came to be submitted based on which the cognizance was taken. It is submitted that since the police never felt the need of arresting the appellant during the course of investigation whether it would



be prudent for the Court to send the appellant to jail based on an order of cognizance. It is reiterated and submitted that appellant is a senior citizen aged about 70 years has remained a person with clean antecedent and all of a sudden came to be implicated in the instant case. It is next submitted that informant despite receiving notice chooses not to appear which amply demonstrates that informant is not interested in contesting the appeal.

5. Learned Spl. P.P. for the State opposes the appeal and submitted that since cognizance has been taken by the learned trial court as such a *prima facie* offence is made out thus rigors of Section 18 of the SC/ST Act will apply. The Court *prima facie* was satisfied with the submission made by the learned counsel appearing on behalf of the appellant and was inclined to release the appellant on anticipatory bail, but since cognizance has been taken as such the appeal is disposed of with a direction to the appellant to surrender before the learned Trial Court on 19.01.2026.

6. It is made clear that if the appellant surrenders on 19.01.2026 in that event the learned trial court shall consider and dispose of the case on the same day keeping in mind the fact that appellant is a senior citizen aged about 70 years and is



a person with clean antecedent and police during the course of investigation never felt the need of arresting him.

7. Accordingly, the appeal is disposed of with the aforesaid direction.

(Satyavrat Verma, J)

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