IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3917 of 2025

CNR No. BRHC011004502025

Arising Out of PS. Case No.-407 Year-2020 Thana- BIKRAMGANJ District- Rohtas

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Saddam Khan S/O Nasim Khan R/O Vill and P.s.- Bikramganj, Dist.- Rohtas.

... ... Appellant/s

Versus

1. The State of Bihar
2. Santosh KUmar S/o Sikendra Paswan R/O Vill.- Dadi Bhawanipur, P.S.- Pipra Bazar, Dist.- Supaul, Presently at New Mayur Hotel At Bikramganj, Dumrao Road, P.s.- Bikramganj, Dist.- Rohtas

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Sudhanshu Kumar, Advocate
For the Respondent/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

6 27-10-2026 1. Heard learned counsel for the appellant and the learned APP for the State, Mr. Chandra Bhushan Prasad.

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 02.08.2025 passed by the learned Exclusive Special Judge, S.C./S.T. Act, Sasaram (Rohtas) in connection with Bikramganj P.S. Case No. 407 of 2020 registered for the offences punishable under Sections 341, 323, 379, 504 and 506 of the Indian Penal Code read with Sections 3(1)(r) and 3(1)(s) of the SC/ST Act.

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3. Learned counsel appearing on behalf of the appellant submits that from perusal of the office report, it would manifest that the notice has been received by father of the informant, it is thus submitted that notice is validly served, the Court is in complete concurrence with the submissions made by the learned counsel appearing on behalf of the appellant.

4. It is next submitted that appellant is a person with clean antecedent and the informant alleges that on 23.09.2020 at 07:00 AM he had gone for giving water at tea shop when the staff of the petrol pump i.e. appellant along with his accomplice assaulted him and abused by taking caste name and even tried strangulating and appellant took out Rs. 1,000/- from his pocket and threatened that if he will sell water, in that event he would be killed. It is also alleged that on account of assault, he was not able to hear and was having problem in taking breath.

5. The learned counsel appearing on behalf of the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that the allegation as alleged in the FIR does not inspire confidence. It is further submitted that no reason for the occurrence is alleged. It is also submitted that during the course of investigation, appellant was given notice under Section 41A of the Cr.P.C and

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he cooperated in the investigation and the police never felt the need of arresting him. It is next submitted that this perhaps explains why informant despite receiving notice chooses not to appear and contest.

6. On query of the Court from the learned counsel appearing on behalf of the appellant that as to whether charge sheet has been submitted or not, on which it is fairly submitted that charge sheet has been submitted. It is further submitted that process under Sections 82 and 83 Cr.P.C. till date has not been issued against the appellant.

7. At this stage, the learned APP submits that since charge sheet has been submitted and cognizance has been taken, as such, a *prima facie* offence 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 appellant, but since cognizance has been taken, as such, **the appeal is disposed of with a direction to the appellant to appear before the learned Trial Court on 06.11.2026.**

9. It is made clear that if the appellant appears on 06.11.2026, in that event the learned Trial Court shall consider the case and dispose it of on the same day keeping in mind the

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fact that police during the course of investigation never felt the need of arresting him and also keeping in mind the observations of this Court as recorded hereinabove.

(Satyavrat Verma, J)

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