

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4064 of 2025

Arising Out of PS. Case No.-118 Year-2024 Thana- TARIYANI CHOWK District- Sheohar

1. Aarti Devi W/o- Late Mukesh Singh Resident of Village-Kushar Purwari Tola PS- Tariyani, Dist- Sheohar
2. Nirmala Devi W/o- Late Ramnaresh Singh Resident of Village-Kushar Purwari Tola PS- Tariyani, Dist- Sheohar
3. Vinod Singh S/o- Late Ramnaresh Singh Resident of Village-Kushar Purwari Tola PS- Tariyani, Dist- Sheohar
4. Arun Singh S/o- Late Ramnaresh Singh Resident of Village-Kushar Purwari Tola PS- Tariyani, Dist- Sheohar
5. Madhuranjan Kumar S/o- Late Ramnaresh Singh Resident of Village-Kushar Purwari Tola PS- Tariyani, Dist- Sheohar

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramchandra Ram S/o- Late Keshwar Ram R/v- Surgahi Ps- Tariyani Dist- Sheohar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajit Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 06-04-2026 1. Heard learned counsel for the appellants and 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 28.08.2025 in A.B.P. No.335/2025, passed by the learned 1st District and Additional Sessions Judge-cum-Special



Judge S.C./S.T. (POA) Act, in connection with Tariyani P.S. Case No.118/2024 registered for the offences punishable under Sections of the Indian Penal Code as well as Sections 341, 323, 420, 406, 467, 468 and 504 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(Va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and appellant no.1 and 2 are women and the informant alleges that on the date of occurrence, all the accused persons came to the informant's house and asked him to vacate the land as the land belongs to them, on objection, it is alleged that all the accused persons started assaulting and abusing him by taking caste name and fled when people gathered threatening that if land is not vacated the informant would be killed.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that on account of dispute relating to land the occurrence is alleged to have taken place. It is also submitted that allegation of abuse and assault is not specific rather is general and omnibus in nature. It is next submitted that police after investigation submitted final form exonerating the appellants of the allegation as alleged in the FIR



but then the learned trial court differing with the police report took cognizance as such appellants apprehend arrest. It is fairly submitted that since cognizance has been taken by the learned trial court differing with the police report as such a prima facie offence is made out and hence rigors of Section 18 of the SC/ST Act will apply but then it is submitted that when one investigating agency after threadbare investigation came to a considered conclusion that appellants are innocent whether it would be prudent for the court to send the appellants to jail based on an order to cognizance which came to be taken on the same police report which had exonerated the appellants of the allegation.

5. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellant and submits that since cognizance has been taken by the learned trial court differing with the police report as such a prima facie offence is made out.

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 the appellants to surrender before the learned trial court on 20.04.2026.



7. It is made clear, if appellants surrender on 20.04.2026, in that event, the learned trial court shall consider and dispose of the appeal on the same day keeping in mind that police after investigation had submitted final form exonerating the appellants of the allegation.

8. The appeal stands disposed of.

(Satyavrat Verma, J)

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