

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4168 of 2025

Arising Out of PS. Case No.-237 Year-2024 Thana- DAUDNAGAR District- Aurangabad

Bittu Kumar @ Saurabh Kumar S/o- Munna Singh Village- Beladhi PS-
Daudnagar Post office- Tarari Distt- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Deepak Kumar S/o- Kamta Paswan Village- Beladhi PS-Daudnagar Post
office- Tarari Distt- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pratik Kumar Sinha
For the Respondent/s	:	Ms.Usha Kumari 1
		Ms.Mukul Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 06-07-2026 1. Heard learned counsel for the appellant, the learned
counsel appearing on behalf of the informant and the learned
Special Public Prosecutor for the State.

2. The appellant has challenged the order dated
14.05.2025 passed by the learned District and Additional Sessions
Judge-1st-cum-Special Judge, SC/ST, NDPS and Children Act,
Aurangabad in connection with Daudnagar P. S. Case No.237 of
2024, instituted for the offences under Sections 341, 323, 307, 34,
504, 506 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(v)
of the Scheduled Castes & Scheduled Tribes (Prevention of
Atrocities) Act, whereby his prayer for grant of anticipatory bail
has been rejected.

3. The learned counsel appearing on behalf of the



appellant submits that appellant is a person with clean antecedent and the informant alleges that on 12.05.2024 at 4.30 PM, he came to the house of Golu and Banty seeking his wages but they refused to pay the wages and both started assaulting. Further, appellant along with six named accused persons assaulted by khanti and rod causing injury on head.

4. The learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the entire occurrence took place at the house of Golu and Banty as such was not in public view and even allegation of abuse and assault is general and omnibus in nature. It is further submitted that police after threadbare investigation came to a considered conclusion that appellant is innocent and thus submitted final form exonerating the appellant of the allegations as alleged in the FIR, but then learned trial Court differing with the police report took cognizance based on which the appellant apprehends arrest. It is next submitted that when one investigating agency after threadbare investigation came to a considered conclusion that appellant is innocent whether it would be prudent for the Court to send the appellant to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the appellant of the



allegations.

5. The learned Special P. P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that police after investigation submitted final form exonerating the appellant of the allegations.

6. 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 surrender before the learned Trial Court on 22.07.2026.

7. If the appellant surrenders before the learned Trial Court on 22.07.2026, the learned trial Court shall consider and dispose of the case on the same day keeping in mind the fact that police after investigation submitted final form exonerating the appellant of the allegations and also the observations of this Court as recorded herein above.

(Satyavrat Verma, J)

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