

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4829 of 2024

Arising Out of PS. Case No.-111 Year-2024 Thana- SRIPUR District- Gopalganj

1. Saheb Alam @ Saheb Hussain Son of Md. Alam Resident of village- Sawanahi Jagdisn, P.S.- Gopalpur, District- Gopalganj
2. Sonu Alam Son of Md. Alam Resident of village- Sawanahi Jagdisn, P.S.- Gopalpur, District- Gopalganj
3. Md. Alam Son of Izamail Mian Resident of village- Sawanahi Jagdisn, P.S.- Gopalpur, District- Gopalganj
4. Alafaj Alam Son of Md. Jigar Resident of village- Sawanahi Jagdisn, P.S.- Gopalpur, District- Gopalganj
5. Monu Alam @ Mannu Alam Son of Md. Alam Resident of village- Sawanahi Jagdisn, P.S.- Gopalpur, District- Gopalganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dharmveer, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 21-04-2026 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Mr. Sadanand Paswan.
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 25.07.2024 in A.B.P. No. 1625 of 2024 passed by the learned Exclusive Special Judge-XI S.C./S.T. (POA) Act, Gopalganj in connection with Shripur P.S. Case No. 111 of 2024



registered for the offences punishable under Sections 126(2), 115, 118(1), 74, 352 and 351(2) of the BNS, 2023 as well as Sections 3(i)(r) (s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellant nos. 1 and 3 are persons with clean antecedent and appellant nos. 2, 4 and 5 have antecedent of one case and the informant alleges that on 20.06.2024 her mother-in-law had given an application with regard to assault committed by Saheb and his brothers, further on 30.06.2024, the informant was sowing seeds on the land along with Mir Alam when appellants along with three unknown accused came variously armed and started assaulting her and abused by taking caste name, further Monu assaulted Amir by knife causing injury over his right eye and thereafter other accused persons trampled her in mud with an intent to kill, further Rohit received injury on his right hand and the informant on account of assault became unconscious.

4. At this stage, the learned Special PP submits that he has a copy of the case diary and from perusal of the same, it manifests that charge sheet has already been submitted against the appellants on 18.10.2024.

5. Learned counsel for the appellants submits that from perusal of the allegation as alleged in the FIR, it would



manifest that allegation of abuse is general and omnibus in nature and specific allegation of assaulting Mir Alam is against Monu and as far as other appellants are concerned, the allegation of assault against them is general and omnibus in nature. It is also submitted that appellants during the course of investigation were given notice under Section 35(3) of the BNSS and the appellants cooperated with the police in the investigation and the police never felt the need of arresting the appellants, but then charge sheet has been submitted based on which cognizance has been taken, hence, appellants apprehend their arrest. It is next 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.

6. The learned Special PP, at this stage, submits that since cognizance has been taken, hence a *prima facie* case is made out, hence rigors of Section 18 of SC/ST Act shall apply.

7. After hearing the learned counsel for the parties, the Court found merit in the submissions of the learned counsel appearing on behalf of the appellants

7. 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 30.04.2026 and if the appellants surrender before the learned Trial Court on 30.04.2026, the learned Trial Court shall dispose of the case on the same day keeping in mind the fact that police during the course of investigation never felt the need of arresting the appellants and the appellants also cooperated in the investigation.

(Satyavrat Verma, J)

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