

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4159 of 2025**

Arising Out of PS. Case No.-260 Year-2020 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Md. Hamza @ Abu Hamza Md. Shamsheer R/o Village- Bakhtiyarpur Basti PS- Bakhtiyarpur Distt- Saharsa
 2. Md. Ashraf S/o- Md. Shamsheer R/o Village- Bakhtiyarpur Basti PS- Bakhtiyarpur Distt- Saharsa
 3. Md. Sunny @ Zakir @ Md. Zakir S/o- Naushad R/o Village- Bakhtiyarpur Basti PS- Bakhtiyarpur Distt- Saharsa
 4. Md. Shahrukh S/o- Shahbaz @ Amin @ Basit R/o Village- Bakhtiyarpur Basti PS- Bakhtiyarpur Distt- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Choudhary S/o- Late Bindeshwari Choudhary R/v- Choudhary Tola W.No-6, PS- Bakhtiyarpur Dist- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rana Hason, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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

4 06-04-2026 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

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. 703 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saharsa in connection with Bakhtiyarpur P.S. Case No. 260



of 2020 registered under Sections 341, 323, 324, 448, 354-B and 504/34 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that appellants no. 1 and 3 have antecedent of one case and appellants no. 2 and 4 are persons with clean antecedent and the informant alleges that on account of dispute amongst children while playing on 05.08.2024 the accused persons came and abused and assaulted the child on account of which they became unconscious. It is further alleged that Md. Hamza abused by caste name and assaulted by sharp weapon causing injury on finger and thereafter Md. Sunny assaulted the wife of the informant by *danda* and torn her clothes and Md. Shahrukh assaulted his mother by rod thereafter Md. Ashraf assaulted the children by *danda* and fist.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute amongst the children while playing, the occurrence is alleged to have taken place. It is next submitted that even the occurrence took place at the house of the



informant, thus, was not in public view. It is also submitted that the police, during the course of investigation, gave notice under Section 41A of the Cr.P.C. and the appellants cooperated in the investigation and the police never felt the need of arresting the appellants. It is submitted that thereafter charge-sheet came to be submitted based on which cognizance was taken but then appellants were not aware that charge-sheet has been submitted as they never received any summons but when non-bailable warrant of arrest came to be issued the police started knocking the door of the appellants, when the appellants immediately moved before the learned Trial Court seeking anticipatory bail which came to be rejected. It is asserted and submitted that process under Sections 82 and 83 Cr.P.C. till date has not been issued. It is further submitted that the 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.

5. Learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the appellants.

6. Learned counsel appearing on behalf of the informant submits that charge-sheet has been submitted based



on which cognizance has been taken, as such, a prima facie case is made out, hence, rigors of Section 18 of the SC/ST Act shall apply.

7. 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 appellants are directed to surrender before the learned Trial Court on 20.04.2026.

8. However, it is made clear that if the appellants surrender on 20.04.2026, in that event, the learned Trial Court shall consider and dispose of the case on the same day keeping in mind the fact that the police, during the course of investigation, never felt the need of arresting the appellants.

9. The appeal is, accordingly, disposed of.

(Satyavrat Verma, J)

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