

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4351 of 2025

Arising Out of PS. Case No.-8 Year-2024 Thana- SC/ST District- Madhepura

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1. Chandra Shekhar Yadav S/O Anmol Yadav R/O Village- Betauna Ward No 14, Post- Godhela, P.S.- Bharrahi, District- Madhepura- 852113
 2. Sanju Devi W/O Chandra Shekhar Yadav R/O Village- Betauna Ward No 14, Post- Godhela, P.S.- Bharrahi, District- Madhepura- 852113
 3. Lukhi Devi @ Lukhiya Devi W/O Anmol Yadav R/O Village- Betauna Ward No 14, Post- Godhela, P.S.- Bharrahi, District- Madhepura- 852113

... .. Appellants

Versus

1. The State of Bihar
2. Mira Devi W/O Yogendra Rajak R/O Village- Betauna Ward No 14, Post- Godhela, P.S.- Bharrahi, District- Madhepura- 852113

... .. Respondents

Appearance :

For the Appellant/s : Dr. Pranav Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-04-2026 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 23.09.2025 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhepura in connection with Madhepura SC/ST P.S. Case No. 08 of 2024 registered for the offences punishable under



Sections 341, 323, 504, 506 and 34 of the IPC and Section 3(1)(2)(va) of the SC and ST Act.

3. Learned Spl.P.P. submits that in compliance of the order dated 11.11.2025, he had informed the Superintendent of Police about the pendency of the instant appeal and to communicate the same to the informant so that he appears on the fixed date. It is further submitted that despite respondent no. 2 receiving notice chooses not to appear and contest.

4. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and appellant nos. 2 and 3 are women and the informant alleges that the accused persons including the appellants came and started digging her land, on objection, Anmol dashed her on the ground and abused by taking caste name and Chandrashekhar tore her blouse and assaulted by fist on her chest while Lukhi Devi snatched her chain and gave it to Sanju Devi and Chandrashekhar assaulted her husband by kudal causing injury.

5. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant on account of dispute relating to land. It is next submitted that police after investigation submitted final form exonerating the appellants of the allegations as alleged in the



FIR but then the learned trial court differing with the police report took cognizance. It is also submitted that since cognizance has been taken, as such, *prima face* case is made out hence rigour of Section 18 of the SC Act shall apply but then it is also 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 of cognizance which came to be taken based on the same police report which exonerated the appellants of the allegation.

6. Learned Spl.P.P. for the State opposed the prayer for anticipatory bail of the appellants but then is not in a position to rebut the submission of the learned counsel appearing for the appellants that police after investigation submitted final form exonerating the appellants of the allegations as alleged in the FIR.

7. At this stage, learned counsel appearing for the appellants submits that this perhaps explains as to why informant despite receiving the notice chooses not to appear and contest.

8. 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 to the appellants to surrender before the learned trial court on 20.04.2026, if the appellants surrender before the learned trial court on 20.04.2026, in that event the learned trial court shall consider the case on the same day keeping in mind the fact that the police after investigation had exonerated the appellants of the allegations as alleged in the FIR.

9. The appeal stands disposed of.

(Satyavrat Verma, J)

Gaurav Sinha/-

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