

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5337 of 2024

Arising Out of PS. Case No.-15 Year-2015 Thana- HALSI District- Lakhisarai

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1. Ramshwruful Yadav @ Ramshwrup Yadav S/o- Late Janki Yadav Village- Halsi Ps- Halsi Dist- Lakhisarai
 2. Dinesh Yadav S/o- Ramshwrup Yadav Village- Halsi Ps- Halsi Dist- Lakhisarai
 3. Jai Ram Yadav S/o- Ramshwrup Yadav Village- Halsi Ps- Halsi Dist- Lakhisarai
 4. Chhotu Yadav @ Randhir Yadav S/o- Ramshwrup Yadav Village- Halsi Ps- Halsi Dist- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Munma Devi W/o- Ladoo Rajak Village- Rata Ps- Halsi Dist- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanju Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 27-04-2026 1. Heard learned counsel for the appellants and the learned Special P.P. Mr. Binay Krishna 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 19.10.2024 passed by the learned District and Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Lakhisarai, in Halsi P.S. Case No.15/2015, registered under Sections 341, 323, 354, 504, 448, 379, 34 of the Indian Penal Code and Sections 3(x) of the SC/ST Act.



3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that all the accused persons on 31.01.2015 entered her house and assaulted her and her daughter-in-law and snatched ear-ring.

4. Learned counsel submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no offence under the SC/ST Act is made out. It is also submitted that even presuming what has been alleged is true without admitting then allegation of assault is not specific rather is general and omnibus in nature and snatching of ear-ring is ornamental and the occurrence is alleged to have taken place inside the house of the informant, hence was not in public view, as such notice under section 41(A) Cr.P.C. was given to the appellants and appellants cooperated in the investigation but then charge sheet came to be submitted based on which cognizance was taken, thus appellants apprehend arrest. It is further submitted that since 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 merely because charge sheet came to be submitted and



cognizance has been taken, more so when allegations are general and omnibus in nature and was not committed in public view.

5. Learned Special Public Prosecutor opposes the appeal.

6. After hearing the learned counsel for the parties, the court was inclined to release the appellants on anticipatory bail but since charge sheet has been submitted as such the appeal is disposed of with a direction to the appellants to surrender before the learned trial court on 11.05.2026, in the event if the appellants surrender before the learned trial court on 11.05.2026, in that event, the learned trial court shall consider and dispose of the case on the same day keeping in mind the fact that allegations as alleged in the FIR are general and omnibus in nature and the occurrence was not committed in public view and the police during the course of investigation never felt the need of arresting the appellants.

7. Accordingly, the appeal stands disposed of.

(Satyavrat Verma, J)

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