

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5595 of 2023

Arising Out of PS. Case No.-255 Year-2023 Thana- NASRIGANJ District- Rohtas

Akhilesh Kumar @ Akhilesh Chaudhary Son of Chandrama Chaudhary
Resident of Village - Panduri Tola, Baburiya Bigha, P.S.- Nasriganj, District -
Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shiv Kumar Ram Son of Late Ram Jeet Ram Resident of Village - Panduri
Tola, Baburiya Bigha, P.S.- Nasriganj, District - Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Babu Nandan Prasad, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-03-2026 1. Heard learned counsel for the appellant, learned
Special P.P. Mr. Sadanand Paswan and the 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 07.11.2023 passed by the learned ADJ-XVII-cum
Exclusive Special Judge, SC/ST Act, Rohtas at Sasaram in
connection with Nasariganj P.S. Case No.255/2023, registered
under Sections 341, 323, 324, 504, 506, 34 of the Indian Penal
Code as well as Sections 3(1)(r)(s) of the SC/ST Act, 1989.



3. Learned counsel for the appellant submits that the appellant has antecedent of one case but then the said case was also instituted by the wife of the present informant. It is next submitted that informant alleges that he was going to purchase medicine for his cattle on 02.09.2023 at 11.30 A.M., when he was intercepted by the appellant along with three unknown accused, it is next alleged that informant was abused by the appellant by taking caste name and threatened to kill him, if the case is not compromised and assaulted him by rod causing injury on head and three unknown accused assaulted him by fighter and fled.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that earlier the wife of the informant had implicated the appellant in a case relating to SC/ST, which is pending. It is further submitted that the date of occurrence is 02.09.2023 and the FIR was instituted on 10.09.2023 i.e. after a delay of ten days without any plausible explanation of delay and the FIR was sent to the learned trial court on 16.09.2023 i.e. six days after the FIR was instituted, which also casts an aspersion on the case of the prosecution. It is next submitted that wife of the informant is Sarpanch as such



the appellant and the villagers were opposing her decision, which led to institution of the instant false case but then police in a mechanical manner submitted charge sheet without investigating the case in its correct perspective.

5. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellant but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that the date of occurrence is 02.09.2023 and the FIR came to be instituted on 10.09.2023 and the same was sent to the learned trial court on 16.09.2023.

6. After hearing the learned counsel for the parties, the Court was inclined to grant the privilege of anticipatory bail to the appellant but since it has been submitted that charge sheet has been submitted and cognizance taken, as such the rigors of Section 18 of the SC/ST Act applies, hence the appeal is disposed of with a direction to the appellant to surrender before the learned trial court on 06.04.2026 and if the appellant surrenders before the learned trial court on 06.04.2026, in that event, the learned trial court shall consider the case of the appellant on the same day.

7. The order has been passed in presence of the



learned counsel appearing on behalf of the informant.

8. Accordingly, the appeal stands disposed of.

(Satyavrat Verma, J)

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