

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4739 of 2025

Arising Out of PS. Case No.-49 Year-2019 Thana- GURUA District- Gaya

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1. Kamaluddin Khan @ Kamaluddin@ Mohamad Kamaluddin S/o Md. Nezam Khan R/o Village - Pirwan, P.S - Gurua, District - Gaya
 2. Firoz Khan @ Md. Firoz Khan S/o Md. Nizamuddin R/o Village - Pirwan, P.S - Gurua, District - Gaya
 3. Sabir Khan @ Md. Sabir Khan@ Md. Shabir Khan@ Sabir S/o Md. Kadir Khan @ Kadir Khan R/o Village - Pirwan, P.S - Gurua, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Pushpa Kumari D/o Pachu Prajapati@ Pachu Prajapat R/o Village - Pirwan, P.S - Gurua, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rampravesh Nath Tiwari
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 11-05-2026 1. Heard learned counsel for the appellant and learned Spl. P.P. for the State, Sri Binay Krishna.

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 20-8-2025 in A.B.P. No. 228 of 2025 passed by the learned Special Judge S.C./S.T. (POA) Act, Gaya in connection with Gurua P.S. Case No. 49 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 295(a),



354(a), 153(a)(2), 504, 448, 379 of I.P.C. as well as Section 3(1) (r)(s) of the SC/ST Act.

3. Learned counsel for the appellant submits that from perusal of the office report dated 8-5-2026, it would manifest that the same records that the informant resides in her in-laws house and father of the respondent no. 2 refused to take notice.

4. Since father of the respondent no. 2 refused to taken notice as such the notice is deemed to be validly served.

5. Learned counsel for the appellant submits that appellants are persons with clean antecedent and the informant alleges that on 21-3-2019 at about 12:30 pm, he was going to to the temple for worship when accused persons including the appellants started assaulting using criminal force and snatched gold chain from his neck and abused by taking caste name.

6. The learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that no specific allegation of assault is alleged against the appellants and allegation of abuse is also general and omnibus in nature. It is further submitted that police after investigation submitted final form exonerating the appellants of



the allegation finding the allegation to be false, 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 a prima facie offence is said to be made out but then in the nature of allegation as alleged in the FIR, prima facie no offence under the SC/ST Act is made out as allegation of abuse and assault is general and omnibus in nature. It is next submitted that Sohail Khan @ Suhail Khan and 6 others had approached this Court seeking anticipatory bail by filing Cr. APP (SJ) No. 4717 of 2025 and the same came to be allowed by an order dated 13-3-2026 by a learned Co-ordinate Bench. It is further submitted that case of the appellants, if not akin, is similar to the case of Sohail Khan and 6 others.

7. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants and submits that since cognizance has been taken as such prima facie case is made out.

8. After hearing the learned counsel for the parties, the Court was inclined to extend the privilege of anticipatory bail to the appellants but then 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 27-5-2026. It is made clear that if the appellants surrender on 27-5-2026, in that



event, the learend trial court shall consider and dispose of the case on the same day keeping in mind the fact that police after investigation submitted final form and Sohail Khan @ Suhail Khan and 6 others had been granted the privilege of anticipatory bail by this Court in Cr. APP (SJ) No. 4717 of 2025.

9. Accordingly, the appeal is disposed of.

(Satyavrat Verma, J)

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