

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4715 of 2025**

Arising Out of PS. Case No.-565 Year-2024 Thana- MASHRAK District- Saran

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1. Sunil Kumar Singh S/o- Mathura Singh @ Mathura Prasad Singh Resident of Village- Baksanda P.S-Parsa District- Saran
 2. Manish Kumar Singh S/o- Sunil Kumar Singh Resident of Village- Baksanda P.S-Parsa District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Yogendra Manjhi S/o- Late Bujhawan Manjhi R/v- Mashrak Takth, Ps- Mashrak Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bipin Bihari Singh, Advocate Mr. Manjesh Raj, Advocate
For the State	:	Mrs.Usha Kumari 1, Spl. P.P.
For Respondent No. 2	:	Mr. Sanjay Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 24-02-2026

Heard learned counsel for the appellants, learned Spl.PP for the State and learned counsel for the respondent no.2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 01.11.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Saran at Chapra in A.B.P. No. 3887 of 2025, arising out of Mashrak P.S. Case No. 565 of 2024, registered for the alleged offences under Sections



323, 379/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, the respondent no. 2 was employed with the appellants and the allegation against them is that they did not make payment of the remuneration of respondent no. 2 and when respondent no. 2 demanded the payment, he was abused and assaulted by the appellants.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in this case. The respondent no. 2 was not the employee of the appellants rather he has been put by the son-in-law and the Samadhi of appellant no. 1 in the background of case filed by the daughter of appellant no. 1 under Section 498A of the Indian Penal Code against her in-laws and she has also filed a case for dissolution of marriage. Learned counsel further submits earlier the matter was investigated by the police and the police submitted a closure report finding the case false. However, the learned trial court differed with the police report and took cognizance under Sections 323, 379/34 of the Indian Penal Code and Sections 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Act. Learned counsel further submits that the cognizance has been taken after coming into force of Bharatiya Nyaya Sanhita



and Bharatiya Nagarik Suraksha Sanhita. The learned trial court has taken cognizance without hearing the other side against the mandate of Section 223 of BNSS which provides that cognizance of an offence shall not be taken by the Magistrate without giving opportunity of hearing to the accused persons. Further, the cognizance has been taken for the offences alleged under the Indian Penal Code which stands repealed. Learned counsel further submits that it is out and out a false case. Learned counsel further submits that though Section 18 of SC/ST (PoA) Act bars grant of anticipatory bail to the accused but the Hon'ble Supreme Court in the case of ***Keshaw Mahto @ Keshaw Kumar Mahto Vs. State of Bihar & Anr.*** passed in Special Leave Petition (Crl.) No. 12144 of 2025 has held that in absence of insult and intimidation by the accused to a member of Scheduled Caste/Scheduled Tribe community, no offence is made out under Section 3(1)(s). The Hon'ble Supreme Court further held that even mere knowledge of the fact that the complainant is a member of a Scheduled Caste or a Scheduled Tribe is not sufficient to attract Section 3(1)(r). In the present case, the allegation is not believable. Learned counsel referred to the case of ***Chandan Kumar & Ors. Vs. The State of Bihar & Anr.*** in Criminal Appeal (SJ) No. 1218 of 2025, wherein



finding that the cognizance has been taken by the court, learned Co-ordinate Bench disposed of the appeal with direction to the appellants to surrender before the learned trial court on the date fixed and the learned trial court was directed to dispose of the matter keeping in mind the fact that the appellants were found innocent by the police during investigation. Learned counsel for the appellants submits that the appellants should not be allowed to suffer on the ground of technicalities.

5. However, learned Spl. PP as well as learned counsel for the respondent no. 2 vehemently contend that the present appeal is not maintainable. Learned for the respondent no. 2 submits that no anticipatory bail is maintainable due to bar of Section 18 of the SC/ST (PoA) Act and the appellants can surrender and seek regular bail from the concerned court. Learned counsel referred to a decision of Hon'ble Supreme Court in the case of ***Bachu Das Vs. State of Bihar & Ors.*** passed in Criminal Appeal No. 314 of 2014, wherein it has been held that when the court arrived a prima facie conclusion that the offences under Sections 147, 148, 149, 323, 448 of the Indian Penal Code and Section 3 of the SC/ST (PoA) Act was made out, in view of bar under Section 18 of the SC/ST (PoA) Act grant of anticipatory bail was not justified.



6. Since it has come on record that cognizance has been taken by the learned trial court differing from the police report, the present appeal is disposed of with direction to the appellants to appear before the learned trial court on 09.03.2026 and seek regular bail and the learned trial court shall dispose of the prayer for bail of the appellants on the same date in the background of the fact that the police during investigation found the case false against the appellants and the order of cognizance has been passed without hearing of the appellants.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.02.2026
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