

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5692 of 2023**

Arising Out of PS. Case No.-37 Year-2022 Thana- SC/ST District- Gaya

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Dilip Kumar @ Dilip Yadav Son Of Madan Yadav Resident Of Village -  
Naudiha, P.S. - Cherki, District - Gaya

... .. Appellant/S

Versus

1. The State Of Bihar
2. Dhaneshwari Kumari Wife Of Sri Kaushal Kumar Resident Of Village -  
Andhwa, P.S. - Bodhgaya, District - Gaya

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ashok Kumar, Adv.  
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      24-03-2026                      1. Heard learned counsel for the appellant and the  
  
learned Special P.P. Mr. Sadanand Paswan. No one appears on  
  
behalf of 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 (hereinafter referred to as the “SC/ST  
  
Act”) against the refusal of prayer for anticipatory bail vide  
  
order dated 09.11.2023 passed by the learned Exclusive Special  
  
Judge, SC/ST Act, Gaya in connection with SC/ST P.S. Case  
  
No.37/2022, registered under Sections 147, 353, 354, 385, 504,  
  
506, 34 of the Indian Penal Code as well as Sections 3(i)(r)(s)  
  
(w) 3(2)(v-a) of the SC/ST Act.



3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that appellant along with 20-25 unknown accused came to the school on 16.08.2022 and started disturbing the classes and made video of girls of class- 9<sup>th</sup> and 10<sup>th</sup> and abused the maid, who was preparing mid day meal and also abused the informant by taking caste name, next alleges that appellant keeps coming to the school after 16<sup>th</sup> August and keeps abusing her, for which, she complained to higher authorities.

4. Learned counsel submits that appellant has been falsely implicated in the instant case by the informant, who is headmistress of the government school. It is next submitted that the date of occurrence is 16.08.2022 and the FIR came to be instituted on 12.10.2022. It is further submitted that appellant is Mukhiya and on 16.08.2022 he had gone to inspect the school, when it was found that out of 500 students, only 61 students were present and out of 16 teachers, only 10 teachers were present and mid day meal was not prepared till 1.00 P.M., based on the inspection report, the informant was suspended and thereafter was proceeded departmentally and was inflicted with a punishment of stoppage of one annual pay increment with non-cumulative effect. It is next submitted that since an adverse



report was submitted against the informant, hence the instant false case came to be instituted. It is also submitted that even police after threadbare investigation came to a considered conclusion that appellant is innocent and thus submitted Final Form No.13/2023 dated 12.02.2023 (Annexure-P/5) but then the learned trial court in a mechanical manner differing with the police report took cognizance. It is further submitted that when one investigating agency after threadbare investigation came to a considered conclusion that appellant is innocent, whether it would be prudent for the Court to send the appellant to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the appellant of the allegation.

5. Learned Special Public Prosecutor opposes the appeal and submits that since cognizance has been taken as such prima facie case is made out, thus rigors of Section 18 of the SC/ST Act shall apply.

6. After hearing the learned counsel for the parties, the Court was inclined to release the appellant on anticipatory bail but for the order of cognizance, as such, the appeal is disposed of with a direction to the appellant to surrender before the learned trial court on 15.04.2026 and the learned trial court shall



consider the case of the appellant on the same day keeping in mind the fact that police after investigation had exonerated the appellant of the allegation as alleged in the FIR.

7. Accordingly, the appeal stands disposed of.

**(Satyavrat Verma, J)**

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