

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4866 of 2025

Arising Out of PS. Case No.-303 Year-2023 Thana- ALOULI District- Khagaria

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Rahul Kumar S/o Bindu Yadav Resident of Village- Maghauna, PS- Alauli,
District- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Sukh Sagar Devi W/o Kaleshwar Ram R/o Saharbanni, P.S.- Alauli, Distt.-
Khagaria

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amar Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Special PP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 24-06-2026 1. Heard learned counsel for the appellant, learned
Special P.P for the State, Mr. Binay Krishna and 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 25.09.2025 in A.B.P. No. 80 of 2025 passed by the
learned 1st-cum-Special Judge S.C./S.T. (POA) Act, Khagaria in
connection with Alauli P.S. Case No. 303 of 2023 registered for
the offences punishable under Sections 364, 328, 302 and
120(B) of the Indian Penal Code as well as Sections 3(2)(v)(va)



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 in December 2021, Manish, petitioner and Ranjan came to her house and requested her to send the victim to Bengaluru with them for earning, since the victim had cleared his matriculation examination and further that they will send Rs. 15,000/- per month, but informant refused, it is next alleged that in march 2022 again the aforesaid three accused persons along with two unknown accused came and in a threatening voice said that they are going to Bengaluru, hence allow the victim to accompany them, but informant and her family members refused, hence they left saying that victim will have to come to Bengaluru, it is further alleged that the victim went missing on 27.05.2022, hence informant called her relative Chhotu who was working at Bengaluru from before and disclosed about the occurrence and missing of the victim and asked him to find out the victim and also disclosed the name of the aforesaid three named accused persons including the appellant, next alleges that Chhotu called on 06.06.2022 and disclosed that victim is in grip of the aforesaid three named accused persons and they have snatched the advance amount given to the victim by the



company and they did not allow him to talk to the victim and abused by taking caste name, further Chhotu called on 11.01.2022 and disclosed that the aforesaid three named accused persons including the appellant killed the victim by administering poison on account of animosity existing from before and also informed that the dead body has been brought to the hospital where doctors doubted that the victim has been poisoned and the company will bear half of the cost for sending the dead body, further the dead body was received and after cremating the dead body, a complaint case was filed on 29.07.2022, based on which the instant FIR came to be instituted.

4. Learned counsel appearing on behalf of the appellant submits that appellant has been falsely implicated in the instant case by the informant based on suspicion, it is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that Chhotu disclosed that named accused persons including the appellant killed the victim by administering poison on account of previous animosity, but then it is submitted that had any animosity been existing in between the appellant and the victim, in that event they would not have gone to the house of the victim requesting



the informant for sending the victim to Bengaluru. It is also submitted that if victim would not have been on good terms with the appellant and two others, in that event he would have disclosed the said fact to the informant, but then it is alleged that victim went missing on 27.05.2022 which amply demonstrates that victim on his own left for Bengaluru. It is next submitted that it absolutely does not stand to reason that Chhotu would not have met the victim merely for the reason that they asked him not to talk and meet him. It is also submitted that since Chhotu did not talk to the victim then how come Chhotu came to know that the money paid by the company to the victim was snatched by the appellant and others which amply demonstrates that a false allegation has been alleged. It is next submitted that police after threadbare investigation came to a considered conclusion that appellant is innocent thus submitted final form exonerating the appellant of the allegation, but then the learned Trial Court differing with the police report took cognizance, it is thus submitted that when one investigating agency after threadbare investigation came to 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 exonerating the



appellant of the allegation.

5. Learned Special P.P for the State as well as learned counsel appearing on behalf of the informant opposes the appeal but then are not in position to rebut the submission of the learned counsel appearing on behalf of the appellant that police after investigation submitted final form exonerating the appellant of the allegation

6. At this stage, the learned counsel appearing on behalf of the informant submits that since cognizance has been taken, as such, a *prima facie* case is made out.

7. On query of the Court that as to whether process under Sections 82 and 83 Cr.P.C. has been issued or not, on which the learned counsel appearing on behalf of the appellant submitted that till date process under Sections 82 and 83 Cr.P.C. has not been issued.

8. After hearing the learned counsel for the parties, the Court was inclined to grant anticipatory bail to the appellant, but since police after investigation had submitted final form exonerating the appellant of the allegation, but since cognizance has been taken, as such, **the appeal is disposed of** with a direction to the appellant to surrender before the learned Trial Court on 09.07.2026.



9. It is made clear that if the appellant surrenders before the learned Trial Court on 09.07.2026, in that event the learned Trial Court shall consider and dispose of the case on the same day keeping in mind the observations made by this Court as recorded hereinabove.

(Satyavrat Verma, J)

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