

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.11 of 2026

Arising Out of PS. Case No.-30 Year-2023 Thana- SC/ST District- Saran

1. Lalti Devi @ Lalti Kumari Wife of Awadhesh Kumar @ Awadhesh Sah Resident of Village- Mirzapur Ramgarha, PS -Awatar Nagar, Dist- Saran
2. Chanda Devi Wife of Umesh Kumar Gupta @ Umesh Sah Resident of Village- Mirzapur Ramgarha, PS -Awatar Nagar, Dist- Saran
3. Rajnath Sah @ Rajnath Sah son of Late Rambriksh Sah Resident of Village- Mirzapur Ramgarha, PS -Awatar Nagar, Dist- Saran
4. Sonu Sah @ Kumar Gaurav @ Sonu Kumar son of Kishor Sah Resident of Village- Partappur, PS -Awatar Nagar, Dist- Saran
5. Vishal Kumar @ Vishal Sah son of Gajendra Shah Resident of Village- Kakakpur Ishmela, Ps- Dighwara, Dist- Saran
6. Awadhesh Kumar @ Awadhesh Sah son of Rajnath Sah Resident of Village- Mirzapur Ramgarha, PS -Awatar Nagar, Dist- Saran, Chhapra
7. Umesh Kumar Gupta @ Umesh Sah son of Rajnath Sah Resident of Village- Mirzapur Ramgarha, PS -Awatar Nagar, Dist- Saran, Chhapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajni Devi Wife of Vikash Kumar Chaudhary Resident of Village-
Mirzapur , PS -Awatar Nagar, Dist- Saran, Chhapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Adesh Raj
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP
Mr. Vijay Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-04-2026 1. Heard learned counsel for the appellants, learned
Spl. P.P. for the State, Sri 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 19-11-2025 in A.B.P. No. 4323 of 2025 passed by the learned Additional District & Sessions Judge-cum-Exclusive Special Judge S.C./S.T. (POA) Act, Saran (Chhapara) in connection with Saran SC/ST Case No. 30 of 2023 registered for the offences punishable under Sections 143, 341, 323, 354, 504 and 34 of the Indian Penal Code as well as Sections 3(1)(r) (s)(w), 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants have antecedent of two cases and appellant nos. 1 and 2 are women and the informant alleges that on 20-12-2023, she was cleaning her cattle-shed at 9 am, when Awadhesh came and started acting inappropriately, on protest he tried to close her mouth, on alarm her mother-in-law came, thereafter accused persons including the appellants came and abused and assaulted her mother-in-law, father-in-law and brother-in-law and thereafter the injured were taken to hospital.

4. Learned counsel for the appellants submits that the 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 allegation of assault is general and omnibus in nature. It is



further submitted that even presuming what has been alleged is true without admitting then the entire occurrence took place at the house of the informant as such was not in public view. It is next submitted that police after threadbare investigation came to a considered conclusion that appellants are innocent thus submitted final form exonerating the appellants of the allegation as alleged in the FIR, but then learned Magistrate differing with the police report took cognizance. It is thus submitted that when one investigating agency after threadbare investigation came to a considered conclusion that appellants are innocent, whether it would be prudent for the court to send the appellants to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the appellants of the allegation, but then it is fairly submitted that since cognizance has been taken as such a *prima facie* case is made out and hence rigors of Section 18 of the SC/ST Act will apply.

5. Learned Spl. P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellants, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that the police after investigation submitted final form and the learned trial court differing with



the police report took cognizance.

6. After hearing the learned counsel for the parties, the Court was inclined to grant the privilege of anticipatory bail to the appellants but for the order of cognizance as such the appeal is disposed of with a direction the appellants to surrender before the learned trial court on 21-04-2026.

7. It is made clear, if appellants surrender on 21-04-2026, in that event, the learned trial court shall consider and dispose of the appeal on the same day keeping in mind the fact that police after threadbare investigation submitted final form exonerating the appellants of the allegations.

8. The appeal stands disposed of.

(Satyavrat Verma, J)

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