

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2043 of 2024**

Arising Out of PS. Case No.-308 Year-2023 Thana- BHANGWANPUR HAT District- Siwan

Ramatullah Sah @ Narmal Sah @ Rahamttullah Shah S/o Woli Mohammad  
Sah R/o vill - Bhikhampur, P.S. - Bhagwanpur Hat, Distt. - Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar Ram S/o Late Jhagru Ram R/o vill - Bhikhampur, P.S. -  
Bhagwanpur Hat, Distt. - Siwan

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Parmatma Singh  
For the Respondent/s : Mr. Binay Krishna

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

3      28-06-2024                      1. Heard learned counsel for the appellant and learned  
Special P.P. for the State.

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 regular bail vide order  
dated 05.04.2024 passed by the learned 1st Additional Sessions  
Judge-cum-Special Judge, Siwan in connection with  
Bhagwanpur Hat P.S. Case No. 308 of 2023 registered for the  
offences punishable under Sections 341, 323, 420, 467, 468,  
504, 506 and 34 of the Indian Penal Code as well as Sections  
3(i)(r,s), 3(i) (a) v of the SC/ST Act.



3. Learned counsel for the appellant submits that notices were issued on the respondent no. 2 and the same was filed in time, but from perusal of office report dated 21.06.2024, it would manifest that the same records that respondent no. 2 does not reside at house. It is further submitted that even the notices in terms of Section 15A(3) of the SC/ST Act was also taken recourse to and the learned Special Public Prosecutor was asked to inform the respondent no. 2 through Superintendent of Police, Siwan.

4. In view of the submissions made on behalf of learned counsel appearing on behalf of the appellant, the notice is deemed to have been validly served.

5. The learned counsel for the appellant further submits that appellant had earlier moved this Court seeking anticipatory bail by filing Criminal Appeal (SJ) No. 455 of 2024 which was permitted to be withdrawn by an order dated 05.04.2024 as the appellant was arrested. It is next submitted that appellant is in custody since 02.04.2024 and the charge sheet has been submitted.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

7. In view of the submissions made by the learned



counsel for the appellant and the fact that charge sheet has been submitted, the order dated 05.04.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Bhagwanpur Hat P.S. Case No. 308 of 2023 registered for the offences punishable under Sections 341, 323, 420, 467, 468, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(i)(r,s), 3(i) (a) v of the SC/ST Act, **is hereby set aside** and the appellant above-named, be released on regular bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhagwanpur Hat P.S. Case No. 308 of 2023.

**8. Accordingly the appeal stands allowed.**

**(Satyavrat Verma, J)**

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