

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.632 of 2024

Arising Out of PS. Case No.-578 Year-2023 Thana- BIDUPUR District- Vaishali

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1. Dukhan Ray son of Jaylal Ray Village- Gokhulpur Ps- Bidupur Dist- Vaishali
 2. Vinod Ray son of Umeshwar Rai Village- Gokhulpur Ps- Bidupur Dist- Vaishali
 3. Manish Ray @ Manish Kumar son of Vinod Ray Village- Gokhulpur Ps- Bidupur Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi wife of Rajendra Das Village- Naya Tola Paharpur West Ps- Jurawanpur Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Hemant Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.P.P. Mr. Ashutosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 29-08-2024 Heard learned counsel for the appellants, learned Special P.P. for of the State and learned counsel appearing on behalf of Respondent No. 2.

2. This appeal has been filed against the order dated 16.12.2023 passed by learned Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 578 of 2023, registered under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellants has been rejected.



3. As per prosecution case, on the alleged date and time of occurrence, these appellants abused informant and his son by caste name and thereafter, assaulted both of them. It is further alleged that accused-appellants disrobed informant and snatched gold ornaments, cash worth Rs. 50,000/- and mobile phone from informant and her son.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in this case due to old enmity. As a matter of fact, sister-in-law of appellant no. 2 has earlier lodged a case against son of informant and others and in retaliation, this false and concocted case has been lodged. There is delay of 26 days in lodging the present F.I.R. and there is no plausible explanation of delay, which itself casts shadow of doubt on the veracity of the prosecution case. F.I.R. does not disclose that at the time of occurrence, any member of the public was present and as such, no offence under the SC/ST Act is made out against appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the appeal.

6. However, considering the aforesaid facts and



circumstances of the case as well as the rival submissions advanced on behalf of the parties, the impugned order dated 16.12.2023 is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 578 of 2023.

(Prabhat Kumar Singh, J.)

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