

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.151 of 2024**

Arising Out of PS. Case No.-63 Year-2023 Thana- SC/ST District- Bhojpur

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1. Sonu Kumar son of Birendra Kumar Choudhary Mohalla - Anaith, P.S.- Ara Nawada, Dist- Bhojpur
  2. Ravi Kumar son of Birendra Kumar Choudhary Mohalla - Anaith, P.S.- Ara Nawada, Dist- Bhojpur
  3. Birendra Kumar Choudhary son of Late Kedar Choudhary Mohalla - Anaith, P.S.- Ara Nawada, Dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Kumari wife of Ram Kripa Ram Mohalla - Anaith, P.S.- Ara Nawada, Dist- Bhojpur

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Amarrendra Kumar, Advocate                                            |
| For the Respondent/s | : | Mr. Sadanand Paswan, Spl.P.P.<br>Mr. Manoj Kumar / Mr. Raj Narayan Mishra |

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**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 07.12.2023 passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara in connection with SC/ST P.S. Case No. 63 of 2023, registered under Sections 341, 323, 354, 379, 447, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r), 3(i)(s), 3(i)(w), 3(2)(va) 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, all the three appellants, named in the F.I.R., abused informant by caste name and thereafter, assaulted her with fist & slaps and also by means of *lathi-danda*. It is further alleged that accused-appellants also snatched gold chain worth 20 gram from the neck of informant and also disrobed her, however when on alarm raised by informant, some villagers came there, they (appellants) fled away from there.

4. Learned counsel for the appellants submits that the allegation levelled against these appellants is general and omnibus in nature and no specific overt act has been alleged against them. Learned counsel further submits that F.I.R. has been lodged after a delay of 10 days, which itself casts doubt on the veracity of the prosecution case. It is not the case of the appellants that at the time of alleged occurrence, any member of the public was present and as such, no offence under the SC/ST Act is made out against these 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 07.12.2023 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 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara in connection with SC/ST P.S. Case No. 63 of 2023.

**(Prabhat Kumar Singh, J)**

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