

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.311 of 2025

Arising Out of PS. Case No.-77 Year-2024 Thana- SC/ST District- Purnia

Tilo Ray Son of Late Ishwar Ray Resident of Village - Jankinagar, Laljee
Mandal Tola, P.S. - Jankinagar, District - Purnea

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sona Bharti Son of Sri Chandeshwari Rajak Resident of Village -
Jankinagar, P.S. - Jankinagar, District - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amit Kumar Anand
For the Respondent/s	:	Mr.Usha Kumari I
For the Informant	:	Mr. Rohit Raj

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 27-02-2025 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer of bail *vide* order dated
09.12.2024 passed by the learned Special Judge, SC/ST Act,
Purnea in connection with SC/ST P.S. Case No. 77/2024 dated
10.09.2024 registered for the offence/s punishable u/ss 341, 323,
324, 325, 307, 379, 504 and 506 read with Section 34 of the
Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the



SC/ST Act.

3. As per the prosecution case, on 28.05.2024, at about 12 o'clock in the night, the informant went to Meena Devi's house to give her medicine. In the meantime, the appellant and the co-accused persons, namely, Hira Lal and 3-4 other boys came together and started abusing him by calling caste name and assaulted him fists and slaps and with lathi-danda and iron rod. Earlier, about 5-7 days ago, the land adjacent to the informant's house was being measured in the wrong manner. Due to this, the said person had threatened to kill him by abusing him by calling caste name. Further, the informant has alleged that the accused persons have also snatched Rs. 16,000/- from his pocket.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. Learned counsel has submitted that the injury is simple in nature. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since



23.11.2024.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 09.12.2024 passed by the learned Special Judge, SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 77/2024 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 77/2024.

(Chandra Prakash Singh, J)

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