

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.208 of 2025

Arising Out of PS. Case No.-31 Year-2024 Thana- SC/ST District- Saran

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1. Raj Kumar Rai Son of Late Suraj Rai Resident of Village - Yodopur, P.S. - Dariyapur, District - Saran at Chapra
 2. Pankaj Rai @ Pankaj Kumar Son of Raj Kumar Rai Resident of Village - Yodopur, P.S. - Dariyapur, District - Saran at Chapra
 3. Amit Rai @ Amit Kumar Son of Raj Kumar Rai Resident of Village - Yodopur, P.S. - Dariyapur, District - Saran at Chapra
 4. Sonu Rai @ Sonu Kumar Son of Raj Kumar Rai Resident of Village - Yodopur, P.S. - Dariyapur, District - Saran at Chapra
 5. Baiju Rai @ Baiju Kumar Son of Raj Kumar Rai Resident of Village - Yodopur, P.S. - Dariyapur, District - Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Kuwar Wife of Late Raj Kumar Manjhi Resident of Village - Yodopur, P.S. - Dariyapur, District - Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shakti Suman Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the R.No.2	:	Mr. Shashikant Amar, Mr. Kunal Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-03-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 21.12.2024 passed by learned SC/ST Exclusive Special Judge, Chapra, Saran in connection with A.B.P. No. 4055 of 2024 arising out of Saran SC/ST P.S. Case No. 31 of 2024, registered under Sections 126(2), 115(2), 74, 352, 3(5) of the Bharatiya Nyaya Sanhita and Section 3(1)(r)(s)(w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby



the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on 30.07.2024 at about 7 AM, while informant went to the nearby temple for worship, in the meantime, all the F.I.R. named accused persons including these appellants came there and abused her by caste name and restrained her from entering the temple. It is further alleged that the accused persons assaulted her with fists and slaps.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He next submits that allegation of assault is general and omnibus. F.I.R. has been lodged after inordinate delay of 2.5 months without any plausible explanation. Prior to lodging of the F.I.R., these appellants had lodged informatory petition in the court of learned Chief Judicial Magistrate, Chapra against the informant and her family members due to which this false and concocted case has been lodged against the appellants. Moreover, it is not the case of informant that alleged incident occurred within the public view as such, no offence under SC/ST Act is made out against them.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.



6. Considering the aforesaid facts and circumstances of the case, let the appellants, as named above, in the event of their arrest/surrender within a period of eight 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 SC/ST Exclusive Special Judge, Chapra, Saran in connection with Saran SC/ST P.S. Case No. 31 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 21.12.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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