

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.357 of 2025

Arising Out of PS. Case No.-562 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

1. Bhushan Rai @ Bhushan Kumar S/O Uma Rai Resident Of Village- Gaushpur Ezra, PS.- Sadar Hajipur, Distt.- Vaishali.
2. Ram Chandra Rai S/O Raghunandan Rai Resident Of Village- Gaushpur Ezra, PS.- Sadar Hajipur, Distt.- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kumari Pratibha Choudhary W/O Manoj Choudhary Resident Of Village- Gaushpur Ezra, PS.- Sadar Hajipur, Distt.- Vaishali.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Mukesh Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	Mr. Sanjay Kumar Pandey, Advocate Mr. Shashi Ankit Mudgal, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-05-2025 Heard learned counsel appearing for the appellants, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the Respondent No. 2.

2. This appeal has been filed for setting aside order dated 21.12.2024, passed in a case registered for the offence punishable under Sections 126(2), 127(2), 115(2), 109, 118(1), 302(2), 74, 352, 351(2) and 3(5) of Bharatiya Nyaya Sanhita and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.



3. As per prosecution case, it is alleged that all the F.I.R. named accused persons, including these appellants, abused informant and her family members by caste name and also assaulted them.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, due to petty dispute, a scuffle took place between the parties in which both sides assaulted each other. There is case and counter-case between the parties. Allegation of assault is general and omnibus and there is no specific accusation of overt act against these appellants. As per medical report, no one sustained any external injuries. It is further submitted that it is not the case of the prosecution that any member of public was present at the alleged incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Act is made out against these appellants. Appellants claim clean antecedents.

5. On the other hand, learned Special PP for the State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants.



6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 21.12.2024 passed by the learned Exclusive Special Court, SC/ST Act, Vaishali at Hajipur in connection with A.B.P. No. 2580 of 2024 arising out of Hajipur Sadar P.S. Case No. 562 of 2024 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, SC/ST Act, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 562 of 2024 .

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

