

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.310 of 2025

Arising Out of PS. Case No.-570 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. Lakh Pati Devi @ Sonam Devi W/o Munna Mahto Resident of Village-
Gaur Rauja, P.S.- G.B. Nagar, Distt.- Siwan
 2. Parvati Devi @ Parvati Kumari W/o Ankit Mahto Resident of Village- Gaur
Rauja, P.S.- G.B. Nagar, Distt.- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Dudhnath Ram S/o Late Suhawan Ram Resident of Village- Gaur Rauja,
P.S.- G.B. Nagar, Distt.- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Pandey, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 07-08-2025 Heard learned counsel for the appellants, learned Special
Public Prosecutor for the State and perused the case diary.

2. The instant appeal has been filed by the appellants
against the order dated 08-01-2025 passed by learned
Additional Sessions Judge 1st cum Special Judge, Siwan
whereby the prayer for anticipatory bail of the appellants in
connection with G.B. Nagar P.S. Case No. 570 of 2024 under
Sections 126(2), 115(2), 118, 109, 74, 352 & 3(5) of Bharatiya
Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s) & 3(2)(va) of
SC/ST Act was rejected.



3. Prosecution case, in short, is that the appellants along with other co-accused person misbehaved with daughter of the informant and tore her clothes. On protest, the accused persons abused caste slurs and assaulted him and also fired a bullet which hit on the waist of one Ritesh Kumar who was standing nearby. It is further alleged that the informant sustained injuries.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. Charge sheet has been submitted in this case. Learned counsel for the appellants submits that the allegation levelled against the appellants is general and omnibus in nature. No specific allegation has been attributed against the appellants. The injury received by injured Ritesh Kumar is simple in nature and no any injury has been sustained by the daughter of the informant. The appellants have no intention to disgrace the image of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against them. The appellants have one criminal antecedent. Appeal of other co-accused has been allowed by this Court vide order dated 26-06-2025, passed in Cr. Appeal (SJ) No. 1377 of 2025.

5. Learned Special P.P. for the State has vehemently



opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, period of custody undergone by the appellants and there being no specific allegation against the appellants, *prima facie*, it appears that no case is made out against the appellants under SC/ST Act, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 08-01-2025 passed by learned Additional Sessions Judge 1st cum Special Judge, Siwan is hereby set aside.

7. Let the appellants, above named, in the event of arrest/surrender before the Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/-(Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with G.B. Nagar P.S. Case No. 570 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarika Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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