

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.498 of 2024

Arising Out of PS. Case No.-28 Year-2023 Thana- SC/ST District- Araria

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1. Prakash Kumar Roy, S/O Late Jagdish Chandra Ray, R/O Village- Paik Tola, Ward No. 13, Ps. And Dist. Araria.
 2. Divesh Kumar Roy @ Vikash Kumar, S/O Late Jagdish Chandra Ray, R/O Village- Paik Tola, Ward No. 13, Ps. And Dist. Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shobha Kumari, D/O Ram Narayan Sharma, W/O Late Avadhesh Kumar Ray Village- Paik Tola, Ward No. 13, Ps.Araria, Dist. Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Alka Panday, Adv.
For the Respondent/s : Mr. Binay Krishna, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-11-2025 Heard learned Advocate for the appellants, learned Advocate for respondent no.2 and learned Spl. PP for the State.

2. This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 20.12.2023 passed by the 1st Additional Sessions Judge cum Special Judge, Araria in A.B.P. No. 3008/2023 in connection with Araria SC/ST P.S. Case No. 28/2023 registered for the offences punishable under Sections 341, 323, 504, 506, 354B, 337, 379 and 34 of the Indian Penal Code and Sections 3(i)(r)



(s) and 3(i)(s) of the SC/ST (POA) Act whereby the anticipatory bail of the appellants stood rejected.

3. In the morning of the fateful day all the accused persons including the appellants came at the place of occurrence and brutally assaulted the respondent no. 2 by means of fist, leg, *lathi* and *danda*, besides the allegation of abusing by taking her caste name. It is specifically alleged that appellant no. 2 gave a brick blow over the hand of the brother of the respondent no. 2, due to which he sustained serious injury. There is further allegation with respect to other accused persons of causing assault and snatching of valuables, as well as threatening to kill.

4. Learned Advocate for the appellants taking this Court through the FIR contended that besides the general and omnibus allegation against all the accused persons regarding intimidating the informant and witnesses, no specific overt act alleged against the appellants. The present FIR is nothing, but a counterblast to the FIR instituted by one of the accused persons against the informant and others bearing Araria P.S. Case No. 888 of 2023 dated 10.09.2023. The present FIR has been instituted on 12.09.2023 with respect to an occurrence which allegedly took place on 10.09.2023 by making a frivolous allegation. The informant is none else, but closely related with the appellants and her husband, Late Awdhesh Kumar Ray, who



was the cousin brother of the appellants and due to the land dispute of ancestral property, a Title Partition as well as First Appeal was fought between the parties. It is further contended that be that as it may, even if the allegation taken to be true, no offence much less, under the penal provision of SC/ST Act is made out.

5. On the other hand, learned Spl. PP for the State as well as learned Advocate for respondent no. 2 vehemently opposed the prayer of the appellants and submitted that the case instituted against the petitioner found true and accordingly, chargesheet has been submitted including the penal provision of the SC/ST Act.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the delay in lodging of the FIR, coupled with the absence of the materials which suggest that the assault and intimidation has been caused in order to lower down the prestige of the informant and others, besides the pending land dispute as well as the fair antecedent, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount **each** to the satisfaction of



learned 1st Additional Sessions Judge-cum-Special Judge,
Araria in connection with Araria SC/ST P.S. Case No. 28 of
2023, subject to the condition that one of the bailors shall be the
own/close family members of the appellants.

7. Accordingly the impugned order dated 20.12.2023
is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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