

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.601 of 2024

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

Nitish Kumar Roy Son of Late Naresh Kumar Ray R/o vill - Paik tola, ward no. 13, P.S. and Distt. - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Shobha Kumari D/o Ram Narayan Sharma, W/o Late Avadhesh Kumar Ray R/o vill - Paik Tola, ward no. 13, P.S. - Araria, Distt. - Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Alka Panday, Advocate
For the Respondent/s	:	Ms. Mina Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 21-11-2025 Heard learned counsel for the appellant and Ms. Mina Singh, learned APP for the State.

2. Despite the names of four advocates appearing on record on behalf of respondent no. 2, no one appears on behalf of respondent no. 2.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail vide order dated 04.01.2024 passed by the learned 1st Additional Sessions Judge cum Special Judge, Araria in A.B.P. No.3247 of 2023 in connection with Araria SC/ST P.S. Case No. 28 of 2023 registered for the offence/s punishable u/ss 341, 323, 504, 506, 354B, 337, 379/34 of the I.P.C and under Sections 3(i)(r), 3(i)



(s) of the SC/ST (POA) Act.

4. As per the prosecution case, it has been alleged that the appellant along with others, all variously armed, started assaulting respondent no. 2 and abused her by taking her caste name. It is further alleged that co-accused Divesh Kumar Roy gave a knife blow on the head of the brother of respondent no. 2, causing grievous injuries.

5. Learned counsel for the appellant submits that there are general and omnibus allegations against all the accused persons, including a general allegation of abuse by taking the caste name and that no case under the SC/ST (POA) Act is made out. It is submitted that the present F.I.R. is a counterblast to the F.I.R. lodged by Vikash Kumar, brother of one of the accused persons, being Araria P.S. Case No. 888 of 2023. It is further submitted that on account of a land dispute with the present appellant, a concocted case has been registered against the appellant and even upon perusal of the FIR, no offence under the provisions of the SC/ST (POA) Act is made out. Lastly, it has been submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 17.11.2025 passed in Cr. App. (SJ) No. 498 of 2024.



6. Learned Additional Public Prosecutor for the State has vehemently opposed the bail petition of the appellant and has submitted that there is specific allegation against the appellant that the appellant in connivance with other accused persons, not only assaulted but also abused the informant by taking her caste name.

7. Having considered the submissions made by the parties and taking into account that the F.I.R. has been lodged with a delay and the fact that similarly situated co-accused persons have been enlarged on bail, let the appellant above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Araria SC/ST P.S. Case No. 28 of 2023 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) The appellant is directed to remain physically present before the learned Court below on each and



every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant is liable to be cancelled.

(ii) The appellant shall in no manner threaten or try to contact or influence the informant.

8. Accordingly, the impugned order dated 04.01.2024 passed by learned 1st Additional Sessions Judge cum Special Judge, Araria in A.B.P. No.3247 of 2023 in connection with Araria SC/ST P.S. Case No. 28 of 2023 is set aside and the criminal appeal is allowed.

9. It is made clear that the observation, if any, made in this order, shall be of no bearing during trial.

(Sourendra Pandey, J)

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