

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.722 of 2024

Arising Out of PS. Case No.-24 Year-2023 Thana- SC/ST District- Saran

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RAMJEE RAI @ RAMJI RAY S/O MEGHA RAI RESIDENT OF
GARKHA, PS.- GARKHA, DIST.- SARAN AT CHAPRA.

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. TETRI DEVI W/O SUDARSHAN MANJHI VILLAGE- GARKHA, PS.-
GARKHA, DIST.- SARAN AT CHAPRA.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Dhananjay Kumar Tiwary, Advocate
For the Respondent/s	:	Mr. Tej Pratap Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-07-2025 Heard Mr. Dhananjay Kumar Tiwary, learned
counsel for the appellant, Mr. Tej Pratap Singh, learned counsel
for the informant and Mr. Binay Krishna, learned Spl. P.P. for
the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
05.01.2024 passed by the learned Exclusive Special Judge,
Chapra, Saran in connection with Saran SC/ST P.S. Case No. 24
of 2023, F.I.R. dated 24.09.2023 registered under Sections 341,
323, 324, 354, 504/ 34 of the Indian Penal Code and Sections 3
(i) (r) (s) (w) / 3(2)(va) of the Scheduled Castes and Scheduled
Tribes Act.



3. According to the prosecution case, the informant, Tetari Devi, reported that on 04.09.2023, while she and her family were cultivating a leased field, accused Ramjee Rai and Kheladi Rai asked her to work in their field. When she refused, Kheladi Rai abused her using a caste slur, and Ramjee Rai slapped and punched her. Other co-accused arrived and assaulted her husband and children, causing injuries, including leg fractures to Ajay Manjhi and Arvind Manjhi. The injured were taken to the Primary Health Center, Garkha

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation, as alleged in the F.I.R. is false and fabricated. It appears from the F.I.R., that the date of occurrence, as alleged in the F.I.R. is 04.09.2023 but the present F.I.R. has been instituted on 24.09.2023, after delay of about 20 days, without giving any explanation of delay. Apart from that, from a bare perusal of the F.I.R., it appears that there is specific allegation against the appellant that he assaulted to the family members of the informant but the injury report of the injured person suggests that the injury is simple in nature.

5. Learned Special Public Prosecutor for the State as



well as learned counsel for the informant have vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the F.I.R. and apart from that he assaulted the family members of the informant but fairly submits that the injury inflicted upon the informant is simple in nature.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts and circumstances, the appellant has clean antecedent, injury inflicted by the appellant upon the informant is simple in nature, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Chapra, Saran in connection with Saran SC/ST P.S. Case No. 24 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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