

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.785 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- SC/ST District- Samastipur

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1. Gayatri Devi @ Gayatri Kumari W/o Vinod Sah @ Vinod Kumar Sah Resident of Village - Mali Nagar Deeh Tola P.S.- Chakmaheshi Distt.- Samastipur.
 2. Brajesh Kumar Sah @ Sajan Sah @ Sajan Kumar @ Sajan S/o - Vinod Sah @ Vinod Kumar Sah Resident of Village - Mali Nagar Deeh Tola P.S.- Chakmaheshi Distt.- Samastipur.
 3. Gaurav Kumar @ Sintu Mahtha @ Sintu Mahto S/o - Ghanshyam Mehta @ Ghanshyam Mahto Resident of Village - Mali Nagar Deeh Tola, P.S.- Chakmaheshi, Distt.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Anita Devi W/o- Shatrudhan Ram Resident of Village - Mali Nagar Deeh Tola P.S.- Chakmaheshi Distt.- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 07-11-2025 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

2. Despite the notice being validly served, no one
appears on behalf of the 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
anticipatory bail vide order dated 11.01.2024 passed by the
learned Special Judge, SC/ST (POA) Act, Samastipur in A.B.P.



No. 4273 of 2023 in connection with SC/ST P.S. Case No. 80 of 2023 registered for the offence/s punishable under Sections 341, 323, 354, 379, 504/34 of the I.P.C and under Sections 3(1)(r)(s) (w)/3/2(va) of the SC/ST (POA) Act.

4. As per the prosecution case, the informant has alleged that the named accused persons including the appellants, all variously armed, approached the informant and others and on the instructions of appellant no. 1 it is alleged that appellant nos. 2, 3 and others first abused the informant taking caste name and thereafter, appellant no. 2 is said to have tried to disrobe the informant, assaulted her and snatched away the gold ornaments.

5. Learned counsel for the appellants submit that the present appellants have been falsely implicated in this case on a false and concocted story. It has further been submitted that in fact, just after the incident, appellant no. 1 had lodged an F.I.R. which is placed at Annexure-3, wherein the appellant and others have been assaulted by the informant and others and appellant no. 1, namely, Gayatri Devi has sustained grievous injury which has been brought on record by way of Annexure-4. It has next been submitted that the allegations are general and omnibus and even the allegations under the SC/ST Act are not attracted in the manner it has been alleged. It is lastly submitted that the



appellants carry one criminal antecedent against their name.

6. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

7. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 11.01.2024 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in A.B.P. No. 4273 of 2023 in connection with SC/ST P.S. Case No. 80 of 2023, is set aside against the appellant. The criminal appeal is allowed.

8. Considering the aforesaid submission, facts and circumstances of the case, let the appellants 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) each 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 SC/ST P.S. Case No. 80 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 appellants are liable to be cancelled.

(ii) The appellant shall not, in any manner, threaten, contact, or attempt to influence the informant or any witness connected with the case.

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

(Sourendra Pandey, J)

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