

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.811 of 2024

Arising Out of PS. Case No.-302 Year-2023 Thana- ROSERA District- Samastipur

1. Vidya Sagar Ray @ Vidya Shankar Ray @ Vidhya Sagar Ray Son of Fulndra Ray Resident of Village- Bhirha, Ward No. 2, Police Station- Rosera, District- Samastipur
2. Anil Ray @ Anil Kumar Ray Son of Late Ram Chandra Ray Resident of Village- Bhirha, Ward No. 2, Police Station- Rosera, District- Samastipur
3. Vijay Shankar Ray Son of Fulendra Ray Resident of Village- Bhirha, Ward No. 2, Police Station- Rosera, District- Samastipur
4. Sanjeet Ray @ Sanjeet Kumar Ray Son of Fulendra Ray Resident of Village- Bhirha, Ward No. 2, Police Station- Rosera, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Gita Devi Wife of Surendra Paswan Resident of Village- Bhirha, Ward No. 2, Police Sttion- Rosera, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bijay Bhushan Prasad, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For Respondent No. 2	:	Mr. Pramod Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-08-2025 Heard Mr. Bijay Bhushan Prasad, learned counsel for the appellants, Mr. Pramod Kumar Singh, learned counsel for the respondent No. 2 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 09.01.2024 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Rosera P.S. Case No. 302 of



2023, F.I.R. dated 10.05.2023 registered under Sections 341, 323, 337, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r) / 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, appellants are alleged to have abused and assaulted the informant, due to which she sustained injury on his head.

4. Learned counsel for the appellants submits that the appellants have clean antecedent. The allegations as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. and from a bare perusal of the FIR, it appears that the place of occurrence is near the house of the informant (respondent No. 2), so no case is made out under the provisions of SC/ST Act against the appellants. Apart from that, the specific allegation against the appellants that they have assaulted the informant, but injury report of the informant suggests that the injury is simple in nature.

5. Learned counsel for the State as well as learned counsel for respondent No. 2 have vehemently opposed the prayer for bail of the appellant.

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, let the appellants, above named, in the event of their 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) each with two surities of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Rosera P.S. Case No. 302 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. Appellants 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 their absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellants 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 appellants have 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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