

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.758 of 2025

Arising Out of PS. Case No.-122 Year-2021 Thana- SHASTRINAGAR District- Patna

Mithilesh Rai @ Mithlesh Ray S/O Sohawan Rai R/O Village- Hettanpur, P.S-
Sahpur, District- Patna (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Manju Devi W/O Raj Kumar Das R/O Mohallah- Eastern Hutment of Lalu Khatal, Bank Colony, Near Takshshila Apartment, P.O- B.V. College, P.S- Shastri Nagar, Distt.- Patna (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 20-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 23.12.2024 passed by learned Exclusive Special Judge (SC/ST Act), Patna in connection with Special Case No.39 of 2022, arising out of Shastri Nagar P.S. Case No. 122/2021 registered under Sections 341, 342, 323, 324, 354, 504 & 506/34 of the Indian Penal Code and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

3. As per the F.I.R., the informant was residing in a hut for several years. The said land was settled in favour of the informant in Bandobasti system. It is alleged that near the hut of the informant illegal Khatala have been constructed by the accused persons. It is also alleged that a police party came and ordered to remove all the Khatala within two days but on 10.03.2022, all the accused persons came to the hut of the informant and assaulted her. They also abused her by taking her caste name.

4. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the hut of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. The learned lower Court has not mentioned any injury in the impugned order. It is further submitted that the informant has filed a case bearing PLA Case No.70/2019 before the learned Court of permanent Lok Adalat, Patna and the same was disposed of with observation that the



land in question was allotted as Khatal to the accused persons in the year 1994 by the PRDA. Appellant has no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State has opposed the prayer for bail.

6. In the facts and circumstances of the case, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Patna/ concerned Court below in connection with Special Case No.39 of 2022, arising out of Shastri Nagar P.S. Case No. 122/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Sandeep Kumar, J)

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