

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.864 of 2024

Arising Out of PS. Case No.-291 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

1. Batuk Rai @ Ranvijay Rai S/O Ram Vichar Rai R/O Village- Arjunpur, P.S- Buxar Industrial, Dist.- Buxar.
2. Golu Rai @ Ashutosh Rai S/O Munna Rai R/O Village- Arjunpur, P.S- Buxar Industrial, Dist.- Buxar.
3. Chandan Rai S/O Krishna Narayan Rai R/O Village- Mangrawan, P.S- Rajpur, Dist.- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Poonam Devi W/O Lalbabu Ram R/O Village And Post- Arjunpur, P.S- Buxar Industrial, Distt.- Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Shankar Pathak, Advocate
For the State	:	Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-08-2025 Heard Mr. Ravi Shankar Pathak, learned counsel for the appellants as well as Ms.Usha Kumari 1, learned Spl.P.P. for the State.

2. Despite filing of *Vakalatnama* on behalf of Respondent No. 2, no one appears on behalf of respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 23.12.2023 passed by the learned Additional Sessions Judge-1st-cum-Special Judge SC/ST (POA) Act, Buxar in connection with Buxar (I) P.S. Case No. 291 of 2023 (ABP No. 1759 of 2023),



F.I.R. dated 20.10.2023 registered under Sections 147, 149, 448, 342, 365, 354(B), 427, 379, 504, 506, 335 of the Indian Penal Code and Sections 3 (i) (r) (s) (wi) & 3(2)(iv)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, appellants are alleged to have forcibly entered the house of the informant and tried to outrage her modesty and threatened to kill her. It is further alleged that the appellants kidnapped the husband of the informant with intention to kill him.

5. Learned counsel for the appellants submits that appellants have clean antecedent. The allegation 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. From a bare perusal of the FIR, it appears that this occurrence took place in the house of the informant, so no case is made out under the SC/ST Act against the appellants. Apart from that there is no specific allegation of assault or any overt act attributed against the appellants, rather there is general and omnibus against all the accused persons including the appellants. In fact, the brother of appellant No.2, namely, Abhishek Raj, is seizure witness in connection with Buxar (I) P.S. Case No. 292 of 2023 in which four bottles of wine was recovered from the motorcycle of the



husband of the informant and due to this reason, appellants and their family members have falsely been implicated in this case.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.

7. 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.

8. 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 Additional Sessions Judge-1st-cum-Special Judge SC/ST (POA) Act, Buxar in connection with Buxar (I) P.S. Case No. 291 of 2023 (ABP No. 1759 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.

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

(Rajesh Kumar Verma, J)

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