

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.919 of 2025

Arising Out of PS. Case No.-142 Year-2024 Thana- BALIGAON District- Vaishali

1. Abdhesh Rai @ Abdhesh Kumar @ Munna Son of Bhola Rai Resident of Village - Krishnawara Ward No. 02, P.S. - Patepur, District - Vaishali
2. Sudhir Rai @ Sudhir Kumar @ Kiran Son of Satyanarayan Rai Resident of Village - Balnathpur Kuriya, P.S. - Baligaon, District - Vaishali
3. Lal Babu Rai @ Lala Son of Late Ram Chandra Rai Resident of Village - Balnathpur Kuriya, P.S. - Baligaon, District - Vaishali
4. Raghuwendra Rai Son of Ashok Rai Resident of Village - Balnathpur Kuriya, P.S. - Baligaon, District - Vaishali
5. Ashok Rai Son of Pitamber Rai Resident of Village - Balnathpur Kuriya, P.S. - Baligaon, District - Vaishali
6. Ranjeet Rai Son of Jitendra Rai Resident of Village - Balnathpur Kuriya, P.S. - Baligaon, District - Vaishali
7. Ashok Rai @ Litli Rai @ Lali Son of Naresh Rai Resident of Village - Balnathpur Kuriya, P.S. - Baligaon, District - Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Paswan Son of Vijay Paswan Resident of Village - Balnathpur Kuriya, P.S. - Baligaon, District - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satish Kumar Sinha, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Respondent No.2:	:	Mr. Vinay Kumar Mishra, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 14-11-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no.2.

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 13.01.2025 passed by learned Exclusive Special Court (SC/ST Act), Vaishali at Hajipur in connection with Baligaon P.S. Case



No. 142 of 2024 registered under Sections 191(2), 126(2), 127(2), 115(2), 118(1), 303(2), 109(1), 352, 351(2) of the B.N.S. and Section 3(1)(r)(s) of the SC/ST Act.

3. The case of the prosecution is that the accused persons, being nine in number including the appellants, came to the house of the informant and hurled caste based abuses and co-accused, Anil Kumar has assaulted by means of sword while others also indulged in assault by *lathi*, *danda* and fists.

4. The learned counsel appearing on behalf of the appellants submits at the outset that the perusal of the first information report would itself indicate that the occurrence had taken place at the house and hence, there is no question of any public view, as such the provisions of SC/ST Act would not be attracted. It has further been submitted that the first information report itself has been lodged after a delay of two days for which no explanation has been tendered. There are general and omnibus allegations against these appellants and specific allegation of assault has been attributed to co-accused Anil Kumar. Injuries sustained by the informant and others are also simple in nature and some ornamental allegations of taking away of jewellery and cash has also been levelled.

5. Learned Spl. PP for the State and learned counsel for the respondent no.2 opposed the grant of anticipatory bail on the



basis of allegations made in the first information report.

6. Considering the fact that the occurrence had taken place at the house of the informant there was not public view, as such the provisions of SC/ST Act *prima facie* do not seem to be attracted.

7. Taking into account the facts and circumstances of the case also considering that there is unexplained delay of two days in lodging the first information report coupled with the fact that there are general and omnibus allegations against appellants as also the fact that the injuries as disclosed in the case diary are simple in nature, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of four 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 learned Exclusive Special Court (SC/ST Act), Vaishali at Hajipur in connection with Baligaon P.S. Case No. 142 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Soni Shrivastava, J)

anand/-

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