

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1066 of 2025

Arising Out of PS. Case No.-265 Year-2024 Thana- MAKER District- Saran

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1. Sanjay Kumar Yadav @ Sanjay Rai S/o- Kameshwar Ray Village- Phulwariya Tole Kapshahar P.S- Maker District- Saran
 2. Satyendra Ray @ Satendra Ray S/o- Jawahar Ray Village- Phulwariya Tole Kapshahar P.S- Maker District- Saran
 3. Sonu Ray @ Shankar Ray S/o- Yogendra Ray Village- Phulwariya Tole Kapshahar P.S- Maker District- Saran
 4. Kavita Devi W/o- Sanjay Kumar Yadav @ Sanjay Rai Village- Phulwariya Tole Kapshahar P.S- Maker District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Pramila Devi W/o- Achchhelal Manjhi Village- Phulwariya Tole Kapshahar P.S- Maker District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For Respondent no.2	:	Mr. Sunil Kr. Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 14-11-2025 Heard learned counsel for the appellants, learned counsel appearing on behalf of the Respondent No. 2 as well as 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 29.01.2025 passed by the learned Court of Exclusive Special Judge, SC/ST, Saran at Chapra in connection with Maker P.S. Case No.265 of 2024, registered under Sections 126(2), 115(2), 118(1), 352, 351(2) and 3(5) of the B.N.S,2023 and Sections 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.



3. The case of the prosecution is that daughter of appellant no.1 had stolen bottle gourd from the house of the informant and when the informant went to the house of the appellant, he along with others assaulted the informant and his family members.

4. Learned counsel for the appellants at the outset submits that it would be apparent from the F.I.R itself that occurrence had taken place inside the house of the informant and hence, there is no question of public view and provisions of Section SC/ST Act would not be attracted. It is further submitted that there is case and counter case and the case filed on behalf of daughter of the appellant is earlier in point of time, which is under POCSO Act and Section 74 of the B.N.S Act. It is further submitted that there is no injury report on record and the injuries sustained by the informant are simple in nature and moreover there is general and omnibus allegation levelled against them. It is further submitted that FIR has been lodged after two days of occurrence, for which no explanation has been tendered by the informant.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants based upon the allegation made in the F.I.R.



6. In view of the fact that occurrence had taken place inside the house which cannot be a public view, hence no offence under the provisions of Scheduled Castes and Scheduled Tribes Act *prima facie* is made out against the appellants.

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that occurrence took place on a very petty dispute leading to case and counter case and the appellants have no criminal antecedent, let the appellants, above named, in the event of their arrest to 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 each of them bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST, Saran at Chapra in connection with Maker P.S. Case No.265 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Soni Shrivastava, J)

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