

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1300 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

-
-
1. UMA RAI @ UMA SHANKAR RAI SON OF LATE DHRUV RAI @ DHRUVDEO YADAV R/O-NAINI PASHCHIM TOLA, P.S.-MUFASSIL, DISTT.-SARAN
 2. SANTOSH KUMAR RAI SON OF UMA RAI @ UMA SHANKAR RAI R/O-NAINI PASHCHIM TOLA, P.S.-MUFASSIL, DISTT.-SARAN
 3. VEER BAHADUR @ VEER BAHADUR RAI SON OF UMA RAI @ UMA SHANKAR RAI R/O-NAINI PASHCHIM TOLA, P.S.-MUFASSIL, DISTT.-SARAN
 4. SHOBHA KUMARI DAUGHTER OF UMA RAI @ UMA SHANKAR RAI R/O-NAINI PASHCHIM TOLA, P.S.-MUFASSIL, DISTT.-SARAN
 5. USHA DEVI WIFE OF UMA RAI @ UMA SHANKAR RAI R/O-NAINI PASHCHIM TOLA, P.S.-MUFASSIL, DISTT.-SARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. ANJU DEVI WIFE OF SHYAM LAL RAM R/O-NAINI PASHCHIM TOLA, P.S.-MUFASSIL, DISTT.-SARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Alok, Adv.
For the Respondent/s : Mr. Binay Krishna, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 17-09-2025 1. Heard learned counsel for the appellants and
learned Spl. P.P. for the State, Mr. Binay Krishna.



2. No one appears on behalf of the respondent no. 2 despite notice being validly served.

3. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 08.02.2024 in A.B.P. No. 318 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Chapra, Saran in connection with Chapra Mufassil P.S. Case No. 09 of 2024 registered for the offences punishable under Sections 341, 323, 504, 354, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) (2)(va) of the SC/ST Act.

4. The learned counsel appearing on behalf of the appellants, at the outset, submits that from perusal of the FIR, it would manifest that the date of occurrence is 25.11.2023 and the FIR came to be instituted on 05.01.2024 i.e. after a delay of more than 40 days without any plausible explanation. It is further submitted that the informant alleges that on 25.11.2023 at around 06:30 PM, while she was going to her cattle shed with food from her old house when Santosh intercepted her and thereafter abused and outraged her modesty after grabbing her hand, on alarm the accused threatened and abused by taking



caste name.

5. Learned counsel for the appellants submits that Santosh is a person of unsound mind and is under treatment of Dr. Amit Kumar Singh, as would manifest from specific pleading made at Para-13 of the appeal. It is next submitted that both appellants and the informant are resident of the same village. It is also submitted that it absolutely does not stand to reason that as to why the fir was instituted after a delay of 40 days, nor the FIR even remotely suggest that the occurrence was witnessed by any independent witnesses.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

7. Considering the submissions made by the learned counsel appearing on behalf of the appellants and also taking into consideration the fact that there is delay of more than 40 days in instituting the FIR, the order dated 08.02.2024 in A.B.P. No. 318 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Chapra, Saran in connection with Chapra Mufassil P.S. Case No. 09 of 2024, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from today, be released on anticipatory bail on furnishing



bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chapra Mufassil P.S. Case No. 09 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

