

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1329 of 2024

Arising Out of PS. Case No.-171 Year-2023 Thana- INDUSTRIAL AREA District- Vaishali

1. Ragni Devi W/o Dhananjay Kumar R/o vill - Hilalpur, ward no. 03, P.S. - Industrial Area, Hajipur, Distt. - Vaishali at Hajipur
2. Dhananjay Kumar Son of Shri Narendra Prasad Yadav R/o vill - Hilalpur, ward no. 03, P.S. - Industrial Area, Hajipur, Distt. - Vaishali at Hajipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Kumar S/o Fakira Das R/o Kuwari Buzurg, P.s. - Ganga Bridge, Distt. - Vaisahli at Hajipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dhananjai Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the Res No. 2	:	Mr. Ranjit Kumar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-08-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 17.02.2024 passed by learned Exclusive Special Court, SC/ST Act, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 171 of 2023, registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on 03.12.2023 at about 9 AM, these appellants entered the compound of the house of



informant and started cutting his lemon tree and when informant objected, these appellants assaulted informant with fists and slaps, took Rs. 1,500/- from his pocket and abused him by caste name.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. F.I.R. has been lodged after inordinate delay of 16 days, without any plausible explanation, which itself raises doubt over veracity of the prosecution case. Allegation of assault is general and omnibus and there is no specific accusation of overt act against appellants. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. Considering the nature of accusation and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the



satisfaction of Exclusive Special Court, SC/ST Act, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 171 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 17.02.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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