

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1169 of 2025

Arising Out of PS. Case No.-91 Year-2024 Thana- SC/ST District- Samastipur

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1. Ranjeeta Devi W/o Mukesh Kumar Jha Resident OF Village- Sarai, Ps- Mohanpur, Distt.- Samastipur
 2. Amit Kumar @ Amit Kumar Jha S/o Badri Narayan Jha Resident OF Village- Sarai, Ps- Mohanpur, Distt.- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Madhu Kumari D/o Late Param Manjhi R/o vill - Mohanpur Sarai, Sahpur Patori, P.S.- Samastipur, Distt.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shivjee Singh, Advocate
For the Resp.No.2	:	Mr. Pramod Kumar Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-07-2025 Heard Mr. Shivjee Singh, learned counsel for the appellants, Mr. Pramod Kumar Singh, learned counsel for the Respondent No.2 as well as Mrs. Usha Kumari 1 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 23.01.2025 passed by the learned Court of Special Judge (SC/ST Act), Samastipur in A.B.P. No.3518 of 2024 arising out of Samastipur SC/ST P.S. Case No. 91 of 2024, F.I.R. dated 12.08.2024 registered under Sections 126(2), 115(2), 303(2), 76, 61(2), 85, 308(2), 308(3), 308(5), 352, 351(2)(3)/3(5) of



Bharatiya Nyay Sanhita, 2023 and Sections 3(1) (r) (s) (w), (va) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that the appellants have tortured upon her physically and mentally and ousted her from her matrimonial home.

4. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. He further submits that the informant is the wife of appellant no.2 and infact the appellant no.2 has performed love marriage with the informant and informant has filed number of cases against the appellants including Complaint Case No.1444 of 2024 which is pending for consideration before Competent Court of Law and appellant no.1 is sister of appellant no.2. He further submits that from bare perusal of the FIR, it appears that there is no specific allegation of assault or overt act against these appellants rather the allegation levelled against them is general and omnibus and apart from that the occurrence took place in the house of the informant/house of appellants which is not a public place, so no case is made out under SC/ST Act.

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent No.2 have vehemently



opposed the prayer for bail of the appellants and submits that appellant no.1 carries four criminal antecedents in which she is on bail in three cases and appellant no.2 carries three criminal antecedents other than the present one in which he is on bail in two cases.

6. 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.

7. Considering the aforesaid facts and circumstances, 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 bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Court of Special Judge (SC/ST Act), Samastipur in connection with Samastipur SC/ST P.S. Case No. 91 of 2024, 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, their 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 appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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.

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

(Rajesh Kumar Verma, J)

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