

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1549 of 2024**

Arising Out of PS. Case No.-1050 Year-2023 Thana- SONEPUR District- Saran

SONU KUMAR RAI SON OF RAM NATH RAI RESIDENT OF VILLAGE
- BARBIGHA KHARIKS, P.S. - SONPUR, DISTRICT - SARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUMITRA DEVI WIFE OF LATE DASRATH RAM RESIDENT OF
VILLAGE - GOVIND CHAK, P.S. - SONEPUR, DISTRICT - SARAN

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Manoj Singh, Advocate Mr. Rishup, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	N o n e

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 14-08-2025 Heard learned counsel appearing for the appellant and

learned Spl.P.P. appearing on behalf of the State.

2. Despite filing *Vakalatnama*, no one appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 22.02.2024 passed in a case registered for the offence
punishable under Sections 341, 323, 324, 354B, 379, 506, 504
and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of the
appellant has been rejected.



4. As per prosecution case, informant, namely Sumitra Devi, alleged that on 05.11.2023 at about 5 PM, all the F.I.R. named accused persons, including this appellant, arrived in *Scorpio* vehicle, abused by caste name and assaulted informant and her son.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, both parties are co-villagers and due to land dispute, this false and concocted case has been lodged. Doctor has found the injuries, sustained by the injured, simple in nature. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant claims clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, nature of injuries sustained by the injured and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 22.02.2024 passed by the learned



Exclusive Special Judge, S.C./S.T. Act, Chapra, Saran in connection with A.B.P. No. 578 of 2024 arising out of Sonepur P.S. Case No. 1050 of 2023 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, S.C./S.T. Act, Chapra, Saran in connection with Sonepur P.S. Case No. 1050 of 2023.

(Prabhat Kumar Singh, J)

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