

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1539 of 2024

Arising Out of PS. Case No.-765 Year-2023 Thana- MADHAURAH District- Saran

Jitendra Rai S/O Late Lal Babu Rai R/O Village- Ruprahipur, P.O-
Bhawalpur, P.S- Marhaurah, Distt.- Saran at Chapra- 841418.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anila Devi W/O Sunil Ram R/O Village- Ruprahipur, P.O- Bhawalpur, P.S-
Marhaurash, Distt.- Sarant at Chapra- 841418.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jeetendra Narayan, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-08-2025 Despite valid service of notice, none appears on
behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 08.02.2024 passed by learned Exclusive Special
Judge, SC/ST (POA) Act, Saran at Chapra in ABP No. 174 of
2024 in connection with Marhaurah P.S. Case No. 765 of 2023,
instituted under Sections 341, 323, 354B, 504, 379/34 of the
Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of



appellant has been rejected.

4. Informant alleged that on 03.12.2023 at 5:30 AM, when daughter of the informant went for nature's call, this appellant caught hold of her and tried to outrage her modesty. It is further alleged that when informant went to the house of appellant to complain, all the F.I.R. named accused persons abused her by caste name and threatened her with dire consequences.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. F.I.R. has been lodged after inordinate delay of seven days, without any plausible explanation, which itself raises doubt over veracity of the prosecution case. As a matter of fact, both parties are co-villagers and next-door neighbours and due to petty dispute, this false and concocted case has been lodged only with a view to humiliate and harass the appellant. Moreover, there is no allegation of abuse by caste name against the appellant, as such, no offence under SC/ST Act is made out against him. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as



named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Saran at Chapra in ABP No. 174 of 2024 in connection with Marhaurah P.S. Case No. 765 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 08.02.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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