

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1304 of 2025

Arising Out of PS. Case No.-33 Year-2024 Thana- SC/ST District- Araria

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1. Ajay Kumar Nayak @ Ajay Nayak Son of Late Janardan Nayak Resident of Village - Jagta Ward No.5, P.S. - Raniganj, District - Araria
 2. Jayant Kumar @ Jayant Nayak Son of Jay Prakash Nayak Resident of Village - Jagta Ward No.5, P.S. - Raniganj, District - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Sulekha Devi Wife of Rakesh Ram Resident of Village - Jagta Kharsahi Ward No.1, P.S. - Raniganj, District - Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar Dubey, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 08-04-2025 1. Heard learned Counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order dated 04.02.2025, passed by learned Additional Sessions Judge 1st-cum-Exclusive Special Judge, SC/ST, Araria in A.B.P. No. 2774 of 2024, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Araria SC/ST Police Station Case No. 33 of 2024 registered for the offences punishable under Section 3(5) and other allies sections of the B.N.S. Act



and Sections 3 (1)(r)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. At the outset, learned counsel for the appellants seeks permission to withdraw this appeal *qua* appellant no. 1 with liberty to surrender and seek regular bail.

4. Liberty, so sought, is granted.

5. Accordingly, the present application stands dismissed as withdrawn *qua* appellant no. 1, however with the aforesaid liberty.

6. Insofar as allegation against appellant no. 2 is concerned, it has been alleged that informant gave Rs. 1,35,000/- to Ajay Nayak for delivery of cement stone chips, iron rod etc. but he did not supply the same and misappropriated the amount. It has further been alleged that when co-accused Sanjay and appellant no. 2 were going on a motorcycle, informant stopped the motorcycle and demanded her money back, upon which, Ajay Nayak and appellant no. 2 abused her by caste name and refused to return the money.

7. Learned Counsel appearing on behalf of the appellant submits that appellant no. 2 has falsely been implicated in this case with oblique motive, inasmuch as there is



specific allegation against appellant no. 1 Ajay Nayak, who allegedly took Rs. 1,35,000/- from the informant and when she demanded, she was abused and assaulted. He further submits that appellant no. 2 has not abused the informant in full public view.

8. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that abuse/ caste name was not made/ taken in full public view, I am inclined to grant anticipatory bail to the appellant no. 2.

9. Accordingly, this appeal is partly allowed and the order dated 04.02.2025, passed by learned Additional Sessions Judge 1st-cum-Exclusive Special Judge, SC/ST, Araria in A.B.P. No. 2774 of 2024, is set aside.

10. Let the appellant, above named, be released 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 Additional Sessions Judge 1st-cum-Exclusive Special Judge, SC/ST, Araria in A.B.P. No. 2774 of 2024, arising out of Araria SC/ST Police Station Case No. 33 of 2024.

(Anil Kumar Sinha, J)

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