

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1414 of 2025

Arising Out of PS. Case No.-255 Year-2024 Thana- RAHIKA District- Madhubani

1. Ram Chandra Sharma son of Hira Lal Sharma R/o - Sagauna Basauli, P.S - Rahika, District - Madhubani
2. Amarjeet Kumar Yadav son of Indra Kumar Yadav village- Kamalpur, Ps- Rahika, Dist- Madhubani
3. Ram Pukar Yadav son of Bechan Yadav village- Kapileshwar Asthan, Ward No. 12, Rahika, Ps- Rahika, Dist- Madhubani
4. Ram Sagar Yadav Son of Sukhdev Yadav village- Babhangari Kapileshwar Asthan, Ps- Rahika, Dist- Madhubani
5. Krishna Kumar Mandal Son of chandeshwar Mandal Resident of village - Samaul Birsair, Ps and dist- Madhubani
6. Sarika chaudhary Wife of Subhanshu Kumar Mahto village- ward no. 28, Bhowara, Ps and Dist- madhubani
7. Bimla Devi wife of Abhyanand Thakur village- Rahika Ward no. 13, Barhatol, Ps- Rahika, Dist- Madhubani
8. Raina Devi wife of Umesh Thakur village- Basauli, Ps- Rahika, Dist- Madhubani
9. Shyama Devi wife of Kailash Paswan village- Gokhar Hussainpur, Ps- Rahika, Dist- Madhubani
10. Ram Kumari Devi @ Raj Kumari Devi Wife of Ravi Shankar Prasad @ Shiv Shankar Prasad village- Bhowara, Ps and Dist- Madhubani
11. Priyanka Kumari wife of Sewak Thakur village- Bhattishama, Ps- Rahika, Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Priyanka Kumari wife of Shambhu Kumar village- Bata Chowk, Ward no. 23, madhubani, ps- Town, Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-06-2025

Heard Mr. Ashok Kumar, learned counsel for the

appellants as well as Mrs. Usha Kumari 1, learned Spl.P.P. for

the State.



2. Despite valid service of notice upon Respondent No.2, no one appeared on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 28.02.2025 passed by the learned Court of Additional Sessions Judge-1-cum-Special Judge (SC/ST Act), Madhubani in A.B.P. No-255/2025 in connection with Rahika P.S. Case No. 255 of 2024, F.I.R. dated 15.11.2024 registered under Sections 329(3), 126(2), 115(2), 296, 132, 352, 351(2), 61(2), 3(5) of Bharatiya Nyay Sanhita, 2023 and Sections 3 (1) (r) (s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant works as SJY MRP in the JIVIKA Office, Rahika. On 13.11.2024, she went to visit the SYG beneficiaries. During visit, the appellants along with other accused persons abused her by caste name and assaulted her.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR that the occurrence took place on 13.11.2024 but the present FIR instituted on 15.11.2024, after delay of 2 days without giving any explanation of delay only to falsely implicated the appellant



and due to some petty dispute the present FIR is instituted by the informant only to harass the appellants and apart from that there is no specific allegation of assault or overt act or abusing by caste name against these appellants.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.

7. 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.

8. Considering the aforesaid facts and circumstances, appellants have clean antecedent and there is no specific allegation of assault or overt act or abusing in the name of caste against them, 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 Additional Sessions Judge-1-cum-Special Judge (SC/ST Act), Madhubani in connection with Rahika P.S. Case No. 255 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.

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

(Rajesh Kumar Verma, J)

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