

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1652 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- EKMA District- Saran

MAHESHWAR RAY S/O LATE RAMESHWAR RAI R/O VILLAGE-
MANIKPUR, P.S- EKMA, DISTT.- SARAN AT CHAPRA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. LILAWATI DEVI W/O SHAILESH SAH R/O VILLAGE- MANIKPUR,
P.S- EKMA, DISTT.- SARAN AT CHAPRA.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Udai Shankar Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	Mr. Maheshwar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-08-2025 Heard learned counsel appearing for the appellant,

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

counsel appearing on behalf of the informant.

2. This appeal has been filed for setting aside order dated 12.03.2024 passed in a case registered for the offence punishable under Sections 341, 323, 435, 379, 354, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. The prosecution case, in brief, is that on 27.02.2024 at about 8 AM in the morning, all the F.I.R. named



accused persons, including this appellant and 5 unknown persons, set *dalan* of the informant on fire. It is alleged that upon confronting them, all the accused persons, including this appellant, abused informant and her family members by caste name and also assaulted them. It is further alleged that this appellant tried to assault informant by means of *danda* but she managed to escape and thereafter, co-accused Sonu Kumar snatched gold chain and *mangalsutra* from neck of informant and one Shivjhari Devi.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that this appellant is only alleged to have tried to assault the informant but no injury was caused as she managed to escape. 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. It is further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 25.10.2024 passed in Cr. Appeal (SJ) No. 1578 of 2024.



5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant have vehemently opposed this appeal.

6. Considering the facts and circumstances of the case, nature of accusation and claim based on parity, this appeal is allowed and the impugned order dated 12.03.2024 passed by the learned SC/ST Exclusive Special Judge, Chapra, Saran in connection with A.B.P. No. 852 of 2024 arising out of Ekma P.S. Case No. 69 of 2024 is hereby set aside with respect to the appellant only.

7. 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 SC/ST Exclusive Special Judge, Chapra, Saran in connection with Ekma P.S. Case No. 69 of 2024.

(Prabhat Kumar Singh, J)

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