

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1750 of 2024

Arising Out of PS. Case No.-65 Year-2023 Thana- NAYAGAON District- Begusarai

1. Sushila Devi Wife Of Uma Shankar Rajak @ Umashankar Razak @ Uma Razak Resident Of Village- Dariyapur, Ps- Nayagaon, Dist- Begusarai
2. Uma Shankar Rajak @ Umashankar Razak @ Uma Razak Son Of Borhan Razak Resident Of Village- Dariyapur, Ps- Nayagaon, Dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Meera Devi Wife Of Anil Razak Resident Of Village- Dariyapur, Ps- Nayagaon, Dist- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sarvottam Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the R. No. 2	:	Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 27-02-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 07.02.2024 passed by learned Exclusive Special Judge, SC/ST Act, Begusarai in connection with A.B.P. No. 197 of 2024 arising out of Nayagaon P.S. Case No. 65 of 2023, registered under Sections 341, 323, 307, 504, 506, 354/34 of the Indian Penal Code and Section 3(i)(r)(s)/3(2)(v)(a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on 08.11.2023 at about 9 PM, while husband of the informant was returning home, all the



F.I.R. named accused persons including these appellants started abusing informant by caste name. It is further alleged that two accused persons threw chili powder in his eye and appellant No. 2 slammed him on the ground due to which he sustained injury on the head.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He next submits that there is no specific allegation of assault against the appellants. As a matter of fact, husband of the informant and his family members assaulted the appellants for which appellant No. 1 lodged Nayagaon P. S. Case No. 64 of 2023 against the husband of informant and others and present false and concocted case has been lodged in retaliation to the aforesaid case. Moreover, these appellants also belong to the Scheduled Caste, as such, no offence under SC/ST Act is made out against them. Petitioners claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. Considering the nature of accusation and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today,



be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST Act, Begusarai in connection with Nayagaon P.S. Case No. 65 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 07.02.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

