

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1840 of 2024

Arising Out of PS. Case No.-374 Year-2023 Thana- BACHHWARA District- Begusarai

1. Deepak Rai @ Deepak Kumar son of Nagendra Rai @ Nagendra Kumar Resident of Village- Chamtha, Chakki, Ward No. 07, Post- Barkhut, P.S.- Bachhwara, District- Begusarai
2. Ashok Rai Son of Donai Rai @ Dunai Rai @ Dheeraj Rai Resident of Village- Chamtha, Chakki, Ward No. 07, Post- Barkhut, P.S.- Bachhwara, District- Begusarai
3. Satrugan Rai @ Shatrugan Rai Son of Donai Rai @ Dunai Rai @ Dheeraj Rai Resident of Village- Chamtha, Chakki, Ward No. 07, Post- Barkhut, P.S.- Bachhwara, District- Begusarai
4. Bambam Rai @ Manoj Rai @ Manoj @ Bambal Rai son of Late Rambriksh Rai @ Rambriksh Rai Resident of Village- Chamtha, Chakki, Ward No. 07, Post- Barkhut, P.S.- Bachhwara, District- Begusarai
5. Yogendra Rai @ Bhopendra Rai @ Bhupendra Rai Son of Donai Rai @ Dunai Rai @ Dheeraj Rai Resident of Village- Chamtha, Chakki, Ward No. 07, Post- Barkhut, P.S.- Bachhwara, District- Begusarai
6. Yadunandan Rai @ Jadunandan Rai @ Jainandan Rai Son of Asesar Rai @ Asheshwar Rai Resident of Village- Chamtha, Chakki, Ward No. 07, Post- Barkhut, P.S.- Bachhwara, District- Begusarai
7. Arvind Rai @ Arvind Kumar Son of Yadunandan Rai @ Jadunandan Rai @ Jainandan Rai Resident of Village- Chamtha, Chakki, Ward No. 07, Post- Barkhut, P.S.- Bachhwara, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Indu Devi Wife of Rampravesh Paswan Resident of Village- Chamtha, Chakki, Ward No. 07, Barkhut, P.S.- Bachhwara, Dist.- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sandip Kumar Gautam , Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP
For informant	:	Mr. Shyameshwar Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-09-2025

Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order
dated 06.03.2024 passed in a case registered for the offence



punishable under sections 341, 323, 504, 506 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case , informant namely , Indu devi alleged that on 21.11.2023, at about 10 O'clock, all the F.I.R. named accused persons including these appellants armed with *lathi*, *danda* came at the house of informant and started removing the hut of informant. When informant objected, all the accused persons assaulted informant and others.

4. It is submitted on behalf of these appellants that allegation of assault is general and omnibus against these appellants. Though, there is allegation of assault but there is no injury report on record to substantiate the allegation of assault. F.I.R. has been lodged after delay of 3 days for which there is no plausible explanation which itself creates doubt over the veracity of entire prosecution case . There is no allegation of abuse by caste name and as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Learned counsel for the respondent No. 2 as well as learned special Public Prosecutor for the State opposed the



bail appeal.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned special Judge SC / ST (POA) Act, Begusarai in connection with Bachhwara Police Station Case No. 374 of 2023 .

(Prabhat Kumar Singh, J)

Koushik/-

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

