

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1557 of 2025

Arising Out of PS. Case No.-477 Year-2023 Thana- BARAULI District- Gopalganj

Suraj Kumar Jaiswal @ Surja S/o Rajesh Jaiswal Resident of Village- Barauli,
PS- Barauli, Distt.- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Meena Devi W/o Munna Manjhi R/o Bhadkuiya, P.S.- Barauli, Distt.-
Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Saurabh Kumar, Adv.
For the Respondent/s	:	Mr. Prasoon Shekhar, Adv. Mr. Uday PrataP Singh, Adv. Mr. Rajesh Kumar, Adv.
For the State	:	Mr.Binay Krishna, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 03-07-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail of the appellant vide order dated 23.01.2025 passed by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge (SC/ST Act), Gopalganj in connection with Barauli P.S. Case No. 477 of 2023 dated 14.11.2023 registered for the alleged offences punishable under Sections 341, 323, 354B, 504, 506 and 509 of the Indian Penal Code and Sections 3(1)(r)(s), 3(w)



(i)(ii), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 14.11.2023, when the informant was cooking food, the appellant having country made pistol and ammunition entered the house and molested the informant's daughter. When the informant came to rescue, the appellant by catching hold of her hair and abused her by calling her caste name. It is further alleged that the appellant threatened her to withdraw the case otherwise he would pour acid and would commit rape of the informant's daughter. The informant became fear as they belonged to schedule case and she lodged Barauli P.S. Case No. 239/2019 against the appellant as the appellant made serious injuries to his husband by inflicting knife. It is alleged that the accused came out from the jail some days before and he is making pressure to compromise the case or withdraw the same otherwise he may commit any miss-happening with them.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against



the appellant. The charge-sheet has been submitted against the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. It is further submitted that the appellant has concern with the alleged offence. The appellant has eight criminal antecedents in which he is on bail as stated in para 3 of the bail petition. The appellant is in custody since 08.12.2023.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 23.01.2025 passed by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge (SC/ST Act), Gopalganj in connection with Barauli P.S. Case No. 477 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge (SC/ST Act), Gopalganj



in connection with Barauli P.S. Case No. 477 of 2023 with the condition :-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(Chandra Prakash Singh, J)

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