

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1564 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- PHULWARIA District- Begusarai

1. Vikash Kumar Ray @ Vikash Rai S/O Raso Ray R/O Ward No. 08, Alapur, Post- Dhankaul, Alapur, P.S- Teghra, Begusarai, Bihar- 851112.
2. Raghvendra Kumar @ Raghvendra Chaudhari S/O Late Kedarnath Chaudhari @ Kedar Chaudhary @ Late Kedarnath Choudhary R/O Alapur near Thakurbari, Alapur, P.S- Teghra, Begusarai-851112.
3. Dharmendra Kumar Choudhary @ Dharmendra Chaudhary @ Dharmendra Choudhary S/O Kedar Nath Choudhary @ Late Kedar Choudhary @ Late Kedarnath Choudhari R/O Ward No. 07, Alapur Dhankaul, Begusarai, P.S- Teghra, Bihar- 851112.
4. Hitesh Kumar Chaudhary @ Hitesh Chaudhary @ Vikky Chaudhary S/O Late Lalit Kumar Chaudhry @ Lalit Chaudhary R/O Alapur Ward 07, Dhankaul, Teghra, P.S- Teghra, Begusarai, Bihar- 851112.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sobha Devi W/O Mahesh Paswan R/O Allahapur Ward No. 10, Thana Teghara, Begusarai, Bihar- 851112.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kumar A. Shanu, Adv. Mr. Shubham, Adv. Mr. Ranvir Pratap Singh, Adv. Mr. Kumar Abhishek, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-09-2025 1. Heard learned counsel for the appellants, learned Special P.P. Ms. Usha Kumari No.1 and the learned counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST



Act”) against the refusal of prayer for anticipatory bail vide order dated 24.03.2025 in A.B.A. No. 639/2025, passed by the learned Exclusive Special Judge, SC/ST Act, Begusarai in connection with Phulwaria P.S. Case No.28/2025, registered under Sections 191(2), 191(3), 190, 329(3), 115(2), 74, 352, 351(2), 351(3) of the B.N.S.S. as well as Sections 3(1)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants have antecedent of one case but then police submitted final form exonerating them of the allegations. It is next submitted that informant alleges that on 03.03.2025 at about 2.30 P.M. while she was cutting mustard seeds in her field, when all the FIR named accused persons including the appellants along with unknown accused came variously armed and started abusing her. It is further alleged that the accused assaulted her with the butt of pistol and claimed the field belongs to them and thereafter the accused started ploughing the field with tractor.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that on account of dispute relating to land, a false case has been instituted. It



is next submitted that though informant alleges that she was abused but then the FIR does not record that as to what abuse was hurled by the appellants. It is next submitted that even the allegation of assault is general and omnibus in nature and is exaggerated. It is further submitted that the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses.

5. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellants but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that allegation of abuse and assault is general and omnibus in nature and the occurrence was not witnessed by any independent witnesses.

6. Considering the submission of the learned counsel for the appellants, the order impugned is set aside. Let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection



with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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