

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2087 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- SC/ST District- Madhubani

1. Mona Devi Wife of Upendra Ray Resident of Village - Naruar , P.S. - Bhairab Asthan, District - Madhubani, Bihar
2. Pikesh Ray Son of Domu Ray Resident of Village - Naruar , P.S. - Bhairab Asthan, District - Madhubani, Bihar
3. Upendra Ray Son of Late Gujji Ray Resident of Village - Naruar , P.S. - Bhairab Asthan, District - Madhubani, Bihar
4. Sonu Ray @ Sonu Kumar Rai Son of Late Pitambar Ray Resident of Village - Naruar , P.S. - Bhairab Asthan, District - Madhubani, Bihar
5. Sunil Kumar Ray Son of Ram Vilash Ray Resident of Village - Naruar , P.S. - Bhairab Asthan, District - Madhubani, Bihar
6. Chhuddi Devi Wife of Late Domu Ray Resident of Village - Naruar , P.S. - Bhairab Asthan, District - Madhubani, Bihar
7. Ram Vilash Ray @ Ram Bilash Ray Son of Late Jugo Ray Resident of Village - Naruar , P.S. - Bhairab Asthan, District - Madhubani, Bihar
8. Nutan Devi Wife of Late Ram Swaroop Ray Resident of Village - Naruar , P.S. - Bhairab Asthan, District - Madhubani, Bihar
9. Soni Devi Wife of Ram Swaroop Ray Resident of Village - Naruar , P.S. - Bhairab Asthan, District - Madhubani, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Daisunair Devi Wife of Yogendra Ram R/O Ward no. 08, Village- Naruar, P.S.- Bhairab Asthan, Dist.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellants	:	Md. Soban Asghar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-09-2025 Heard learned counsel appearing for the appellants
and learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on
behalf of the informant/Respondent No. 2.



3. This appeal has been filed for setting aside order dated 16.04.2024 passed in a case registered for the offence punishable under Sections 341, 323, 379, 504, 354B, 506 and 34 of the Indian Penal Code and Sections 3(i)(r), 3(i)(s), 3(i)(w) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

4. As per prosecution case, informant, namely Daisunair Devi, alleged that on 19.12.2023 at about 8 AM, when she went to complaint about grazing of goat, all the F.I.R. named accused persons, including these appellants, abused her by caste name, assaulted her by fist and slap and took Rs. 10,000/- cash and *Mangalsutra*.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. From bare perusal of the F.I.R. it is apparent that dispute arose between the parties over grazing of cauliflower by the goat which led to simple *maar-peeet*. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. 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 these appellants.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case and general and omnibus nature of accusation, this appeal is allowed and the impugned order dated 16.04.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with A.B.P. No. 340 of 2024 arising out of Madhubani SC/ST P.S. Case No. 01 of 2024 is hereby set aside with respect to these appellants only.

8. Accordingly, 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 learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with Madhubani SC/ST P.S. Case No. 01 of 2024.

(Prabhat Kumar Singh, J)

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