

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2154 of 2024

Arising Out of PS. Case No.-465 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

1. Dharmendra Rai @ Dharmendra Ray son of Natho Ray Village- Mohanpur Ps- Patori Dist- Samastipur
2. Jitendra Kumar Rai @ Jitendra Ray son of Natho Ray Village- Mohanpur Ps- Patori Dist- Samastipur
3. Chandra Bhushan Rai @ Brijbhushan Ray son of Bande Ray Village- Mohanpur Ps- Patori Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Neetu Kumari wief of Ajay Chaudhary Village- Mohanpur Ps- Patori Mohanpur Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anirudh Kumar Sinha
For the Respondent/s : Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-10-2025 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant, Dr. Om Prakash Om.

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 02.04.2024 in A.B.P. No. 662 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Patory (Mohanpur O.P.) P.S. Case No. 465 of



2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 354(B), 504, 379, 380, 435 and 436 of the Indian Penal Code as well as Sections 3(1)(g)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellant nos. 1 and 2 have antecedent of one case and the said case was also instituted by the instant informant and the appellant no. 3 is a person with clean antecedent. It is next submitted that the informant alleges that on 26.10.2022 at about 03:30 PM, the named accused persons along with five unknown accused came variously armed at the door of the informant and started abusing her by taking caste name, on protest the appellants along with other co-accused assaulted the informant, further on order of appellants, the sons of the appellants disrobed the mother-in-law of the informant and Dharmendra snatched gold *Jitia* from neck of her mother-in-law and also assaulted husband of the informant with butt of gun and when informant came to save her husband then sons of the appellants misbehaved with her and also snatched Rs. 60,000/- kept in a box and destroyed household articles and set her house on fire.

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 though in the FIR, it is not alleged that an altercation had taken place in between the parties on account of land dispute, but then the real fact is that mother of Priya Bindu had purchased a piece of land from one Vikash Jha and the same land was also purchased by the informant, as such, the both the parties are claiming the sale deed to be genuine. It is further submitted that though it is alleged that the house of the informant was set on fire, but then during the course of investigation, it transpired that there was a tin shed and the same was not put on fire. It is next submitted that even presuming what has been alleged is true without admitting then the entire occurrence took place at the house of the informant and thus was not in public view nor the FIR even remotely suggests that the occurrence was witnessed by any independent witnesses.

5. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant opposes the appeal, but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that a dispute in between the informant and side of the appellants have arisen on account of purchase of the same land by the informant



and mother of Priya Bindu and that the occurrence has not taken place in public view.

6. Considering the submissions made by the learned counsel for the appellants, the order dated 02.04.2024 in A.B.P. No. 662 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Patory (Mohanpur O.P.) P.S. Case No. 465 of 2022, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Patori (Mohanpur O.P.) P.S. Case No. 465 of 2022 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. **Accordingly, the appeal stands allowed.**

(Satyavrat Verma, J)

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