

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1858 of 2025

Arising Out of PS. Case No.-40 Year-2024 Thana- SC/ST District- Rohtas

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1. Soni Devi Wife of Vinod Kumar @ Vinod Thathera Mohalla- Paschinmi Mohan Bigha, Ward NO 17, Dehri PO- Dalmianagar PS -Dehri District- Rohtas
 2. Vinod Kumar @ Vinod Thathera Son of Gokul Chand Mohalla- Paschinmi Mohan Bigha, Ward NO 17, Dehri PO- Dalmianagar PS -Dehri District- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Mira Devi Daughter of Jaglal Ram Mohalla- Paschinmi Mohan Bigha, sunder Nagar, Ward NO 17, Dehri, PS -Dehri District- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rakesh Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Mithilesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-12-2025 Heard learned counsel for the appellants, Mr. Sadanand Paswan, learned Special P.P. for the State as well as 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 08.04.2025, passed by learned District & Additional Sessions Judge-17-cum-Special Judge SC/ST Act, Sasaram, Rohtas in connection with SC/ST P.S. Case No.40 of 2024,



registered under Sections 191(2), 190, 126(2), 115(2), 74, 324(2), 352, 351(2) and 3(5) of B.N.S., 2023 as well as Sections 3(1)(r)(s)(w) and 3(2)(va) of SC/ST (POA) Act.

3. Learned counsel appearing on behalf of the appellants submits that appellant no.1 is a person with clean antecedent and is a woman and appellant no.2 has antecedent of one case. It is next submitted that the informant alleges that on 01.07.2024 at 05:30 p.m. while she was returning to her home from the school when she was intercepted by the accused persons including the appellants and they started abusing her by taking the caste name and said why her son is coming in their area. It is next alleged that when informant objected, accused Vinod Thathera and his wife assaulted her by fists causing injury on nose and also broke her mobile. Further, when her son Raushan Kumar and Raunak Kumar came to save her, Uttam Kunwar, Dadan Kahar, wife of Dadan Kahar, Mahesh Sao, wife of Mahesh Sao, Bablu Baitha, Dheeraj Baitha and wife of Sanjay Sao assaulted them by *Lathi*. It is further alleged that Dadan Kahar and Mahesh Sao assaulted her son Raunak Kumar by fists.

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 informant and the appellants are neighbours and there was a dispute relating to throwing of garbage for which an altercation had taken place but then no one was assaulted. It is submitted that during course of investigation, the statement of the doctor, who had examined the injured, was recorded at para-63 of the case diary wherein the doctor has stated that informant of this case had come to him on 04.07.2024 and disclosed that she fell from an auto and thus got injured but requested the doctor for making a back dated injury report to which the doctor refused. Learned counsel for the appellants thus submits that from statement of the doctor it becomes clear that no such occurrence ever took place rather the informant fell from an auto and, accordingly, got injured and thereafter took the same as an opportunity for implicating the appellants in the instant case. It is also submitted that the date of occurrence is 01.07.2024 and the FIR has been instituted after a delay of three days, i.e., on 04.07.2024 which also casts an aspersion on the case of the prosecution.

5. The learned Special P.P. for the State and the learned counsel appearing on behalf of the informant oppose the appeal but then the learned counsel for the informant is not in a position to rebut the submission of the learned counsel



appearing on behalf of the appellants that the doctor has not supported the case of the prosecution.

6. Considering the submissions made by learned counsel for the appellants, let appellants, above named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, 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 Trial Court where the case is pending in connection with SC/ST P.S. Case No.40 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

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