

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2238 of 2024

Arising Out of PS. Case No.-540 Year-2023 Thana- DUMRA District- Sitamarhi

SUNIL RAUT @ SUNIL KUMAR RAUT SON OF LATE LAL BABU
RAUT RESIDENT OF VILLAGE - SUHAI MALIKANA TOLE, P.S. -
DUMRA, DISTRICT - SITAMARHI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. NAGINA DEVI WIFE OF AMRESH DAS RESIDENT OF VILLAGE -
SUHAI MALIKANA TOLE, P.S. - DUMRA, DISTRICT - SITAMARHI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar, Adv.
For the Respondent/s : Ms. Usha Kumari 1, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 04-11-2025 1. Heard learned counsel for the appellant and
learned Spl. P.P. for the State, Ms. Usha Kumari No. 1.
2. No one appears on behalf of the respondent no. 2.
3. 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 09.04.2024 in A.B.P. No. 11/36 of 2024 passed by
the learned 1st Additional Sessions Judge-cum-Special Judge
S.C./S.T. (POA) Act, Sitamarhi in connection with Dumra P.S.
Case No. 540 of 2023 registered for the offences punishable
under Sections 341, 323, 324, 354, 504, 506 and 34 of the



Indian Penal Code as well as Sections 3(1) (r) (s) of the SC/ST Act.

4. Learned counsel for the appellant submits that appellant has antecedent of two cases and the informant alleges that wife of the appellant on 05.11.2023 at 06:00 AM was keeping liquor in her hut, on protest, she threatened, let the appellant come, further at 07:00 PM while informant was cooking food when accused persons came and appellant abused by taking caste name and assaulted her by rod causing injury on head, thereafter Meena and Priyeshita and Sonu assaulted her by lathi causing injury on back and ear, on alarm her husband and other people gathered and thus the informant was saved.

5. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the FIR, it would manifest that the date of occurrence is 05.11.2023 and the FIR came to be instituted on 11.11.2023 i.e. after a delay of six days. It is also submitted that even presuming what has been alleged is true without admitting then the occurrence is alleged to have taken place at the doors of the informant and the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses. It is further submitted



that there is a delay of six days in instituting the FIR.

6. Learned Spl. P.P. for the State opposes the appeal and submits that the date of occurrence is 05.11.2023 and the *fardbayan* of the informant was recorded at the hospital on 05.11.2023 itself and if the FIR came to be instituted subsequently on 11.11.2023, the informant cannot be faulted for the same. It is also submitted that since *fardbayan* was recorded in the hospital that in itself demonstrates that the informant was injured on account of assault and there is a specific allegation in the FIR that it was appellant who assaulted the informant by rod causing injury on head. It is also submitted that investigation in the case is still continuing.

7. Considering the submissions made by the learned Special PP for the State, the Court is not inclined to allow the appeal.

8. Accordingly, the appeal is rejected.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

