

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1974 of 2025**

Arising Out of PS. Case No.-44 Year-2025 Thana- BANIAPUR District- Saran

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Sunil Raut S/o- Raja Raut Village- Chandapur, P.S- Baniyapur, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Manju Kumari D/o- Chandrama Ram Village- Chandapur, P.s- Baniyapur, District- Saran

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Ms.Alka Panday, Adv.
For the Respondent/s	:	Ms.Usha Kumari 1, Spl.PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 09-10-2025 Heard learned counsel for the appellant and learned Spl. P.P. for the State. However, learned counsel for the respondent no. 2 is not present despite notice is validly served upon the respondent no. 2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail of the appellant vide order dated 07.04.2025 passed by the learned Exclusive Special Judge SC/ST, Saran in connection with Baniyapur P.S. Case No. 44 of 2025 dated 30.01.2025 registered for the alleged offences punishable under Sections 127(1), 115(2), 118(1), 109, 351(2), 352 read with Section 3(5) of the



B.N.S. and Sections 3(1)(r)(s)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 29.01.2025, at around 8.00 A.M., when the informant went out for toilet then the appellant and the co-accused persons started abusing her. When the informant protested, the appellant slapped her and also abused her by calling her caste name. Later, at around 3.00 P.M. the accused persons in a drunken state holding rod and knife came to the door of the informant and the co-accused Mina Devi assaulted the informant's mother with danda causing head injury. When the informant's brother namely, Ranjay Ram came to rescue her, he was also assaulted by the accused persons causing injury on his head.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. No incriminating article has been recovered from the conscious possession of the appellant. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. As per the injury report (Annexure-P/2) of the injured, the injuries are simple in nature caused by hard and blunt object. It is further submitted



that the appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 18.03.2025.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 07.04.2025 passed by the learned Exclusive Special Judge SC/ST, Saran in connection with Baniyapur P.S. Case No. 44 of 2025, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST, Saran in connection with Baniyapur P.S. Case No. 44 of 2025.

(Chandra Prakash Singh, J)

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