

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2512 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- PIRBAHOR District- Patna

1. Reena Devi W/o Tinku @ Vinod Roy R/o Mohalla-Bakarganj, Bajaja Gali, P.s.-Pirbahore, District-Patna
2. Nandani @ Puja Kumari @ Puja Devi D/o Manoj Ray @ Manoj Kumar R/o Mohalla-Bakarganj, Bajaja Gali, P.s.-Pirbahore, District-Patna
3. Muskan Kumari D/o Manoj Ray @ Manoj Kumar R/o Mohalla-Bakarganj, Bajaja Gali, P.s.-Pirbahore, District-Patna
4. Manoj Ray@ Manoj Kumar S/o Late Bibhuti Roy R/o Mohalla-Bakarganj, Bajaja Gali, P.s.-Pirbahore, District-Patna
5. Savita Devi W/o Manoj Ray@ Manoj Kumar R/o Mohalla-Bakarganj, Bajaja Gali, P.s.-Pirbahore, District-Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Jyoti Devi W/O chandan Paswan R/O Bakarganj, Purani Gali, P.O. Bankipur, P.S. Birbahore, Distt-Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raj Krishna Jha, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 29-07-2025 Heard Mr. Raj Krishna Jha, learned counsel for the appellants and Mrs. Usha Kumari 1, learned Special Public Prosecutor for the State.

2. Learned Spl.P.P. has informed this Court that she has informed Respondent No. 2 through phone and through the police station, but no one appears on behalf of Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 01.05.2024 passed by the learned Exclusive Special Judge SC/ST



Act, Patna in ABP No. 1536 of 2024 in connection with Pirbahore P.S. Case No. 103 of 2024, F.I.R. dated 21.02.2024 registered under Sections 147, 341, 342, 354B, 379, 447, 504, 506 of the Indian Penal Code and Sections 3(i)(r), 3(1)(s), 3(2) (va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, all the accused persons including these appellants are said to have abused and assaulted the informant and also threatened for rape to her and her daughter. It is further alleged that some accused persons also took out her golden chain.

5. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. He further submits that from a bare perusal of the FIR, it appears that the present occurrence has taken place in the house of the informant which is not a public place, so no case is made out under SC/ST Act against the appellants and there is case and counter case between the parties. It is further submitted that due to some petty dispute, the present occurrence has taken place.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and



submits that the appellants are named in the F.I.R and they have abused the family members of the respondent no. 2 and apart from that the appellants carry six more cases other than the present one but fairly submits on the basis of supplementary affidavit that out of six cases, the appellants are on bail in five cases.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the facts and circumstances of the case, the present occurrence has taken place due to some petty dispute and the present occurrence has taken place in the house of the informant so, no case is made out under the SC/ST Act against the appellants, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two surities of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST Act, Patna in connection with Pirbahore P.S. Case No. 103 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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