

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2747 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- SHANKARPUR District- Madhepura

1. Moti Kumar mehta @ Laltu Mehta Son of Jawahar Mehta R/O Vill.- Kolhua, Ward no. 17, P.S.- Shankarpur, Dist.- Madhepur
2. Chhotu Kumar Son of Jawahar Mehta R/O Vill.- Kolhua, Ward no. 17, P.S.- Shankarpur, Dist.- Madhepur
3. Lalita Devi Wife of Moti Kumar R/O Vill.- Kolhua, Ward no. 17, P.S.- Shankarpur, Dist.- Madhepura

... .. Appellant/s

Versus

1. The State Of Bihar
2. Baby Kumari Wife of Santosh Rajak R/O Vill.- Kolhua, Ward no. 17, P.S.- Shankarpur, Dist.- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Uday Chand Prasad, Advocate Mr. Manoj Kumar, Advocate Ms. Pooja Prasad, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl.P.P.
For the Resp. No. 2	:	Mr. Ranjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-08-2025 Heard Mr. Uday Chand Prasad, learned counsel for the appellants, Mrs. Usha Kumari-1, learned Special Public Prosecutor for the State and Mr. Ranjay Kumar Singh, learned counsel for the respondent no. 2.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 18.03.2024 passed by the learned Court of Additional Sessions Judge-1st-cum Special Judge, SC/ST Act, Madhepura in ABP No. 301 of 2024 in connection with Shankarpur P.S. Case No. 2 of 2024, F.I.R. dated 01.01.2024 registered under Sections 341, 323,



379, 354A, 504, 506, 376, 511/34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(z), 3(2)va of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the appellants along with other co-accused persons are said to have assaulted the informant and her husband and abused them by taking their caste name. It is further alleged that some accused persons tried to outrage the modesty of the informant and took away Rs. 10,000/- cash, some household articles and also threatened them.

4. Learned counsel for the appellants submits that appellant nos. 2 and 3 have clean antecedent and appellant no. 1 has one more case other than the present one but he is on bail in the pending matter. He further submits that from a bare perusal of the FIR, it appears that no case is made out under Section 376 of the IPC against the appellants and apart from that there is no specific allegation of any assault or overt act or abusing by taking caste name against these appellants rather there is general and omnibus allegation against all the accused persons including these appellants and the present case is counter blast of Shankarpur P.S. Case No. 1 of 2024 filed by the appellants' side against the informant and her family members.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for



the State have vehemently opposed the prayer for bail of the appellants and submits that it appears from the FIR that the appellants have tried to commit rape upon the informant and in view of the aforesaid, the appellants do not deserve the privilege of anticipatory bail.

6. 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.

7. Considering the aforesaid facts and circumstances, appellant nos. 2 and 3 have clean antecedent and there is no specific allegation of any assault or overt act or abusing by taking caste name against these appellants rather there is general and omnibus allegation against all accused persons including these 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 Court of Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Madhepura in A.B.P. No. 301 of 2024 arising out of Shankarpur P.S. Case No. 2 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.

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

(Rajesh Kumar Verma, J)

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