

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2304 of 2025**

Arising Out of PS. Case No.-73 Year-2024 Thana- RAMPUR HARI District- Muzaffarpur

Vidyanand Rai @ Vidyanand Vidya S/O Shyam Sundar Rai Resident of
Village- Punarwara Sham, P.S.- Rampurhari, Distt-Muzaffarpur

... .. Appellant

Versus

1. The State of Bihar
2. Rajendra Rai S/O Roopadaun Rai Resident of Village- Punarwara Sham,
P.S.- Rampurhari, Distt-Muzaffarpur

... .. Respondents

Appearance :

For the Appellant/s : Mr. Neeraj Kumar Alias Sanidh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

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

ORAL ORDER

4 11-09-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. However, notice has been validly served to
respondent no. 2 as per the Service report but no one appears on
behalf of 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 against the rejection of prayer for bail vide
order dated 21.05.2025 passed by the learned Special Judge,
SC/ST (POA) Act, Muzaffarpur arising out of Rampurhari P.S.
Case No. 73 of 2024 dated 28.03.2024 registered for the
offences punishable under Sections 147, 148, 149, 341, 323,



324, 325, 307, 379, 354, 504, 506 of the Indian Penal Code.

4. As per the prosecution case, on 26.03.2024 at 06:00 PM, the accused petitioners were separating husk from their mustard crop, but the husk covered the tobacco crop of the informant which was objected by his wife, on which all the accused persons chased her away by abusing her with axe, spear, sword, daliya, rod and lathi kept in the field, on which his wife fled and came home, but the accused persons followed her and entered the house and assaulted her and tried to outrage her modesty and snatched a gold chain from her neck, but the informant on coming to know about the occurrence reached home and tried to save her when Vidyanand, appellant assaulted her on the head by farsa causing injury and accused also assaulted Laximiniya Devi, her neighbour, who came to save her, further accused also assaulted the informant with sword causing injury on head and he became unconscious and when he regained consciousness, he found himself in SKMCH and his son informed that Shyam Sundar had assaulted him by dabia on his head causing injury.

5. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the



caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. It is further submitted that the instance case is a counterblast to Rampurhari P.S. Case No. 72 of 2024 and though there is specific allegation against Vidyanand of assaulting the wife of the informant by *farsa* causing injury on head, the doctor opines that the nature of injury is simple in nature which is referred in para 56 of the Case diary. Similarly situated co-accused has already been granted bail by this Court vide order dated 22.01.2025 passed in Cr. Misc No. 61720 of 2025. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 18.05.2025.

6. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant and submits that there is specific allegation against Vidyanand of assaulting the wife the the informant by sword causing injury on head which is vital part of the body.

7. 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



21.05.2025 passed by the learned Special Judge, SC/ST (POA) Act, Muzaffarpur arising out of Rampurhari P.S. Case No. 73 of 2024, is set aside against the appellant. The criminal appeal is allowed.

8. 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 Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Rampurhari P.S. Case No. 73 of 2024 with the condition:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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