

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3059 of 2024

Arising Out of PS. Case No.-50 Year-2023 Thana- SC/ST District- Purnia

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1. Shobha Devi, Wife of Manoj Poddar Resident of Village - Borarahi Char Tola, P.S.- Janki Nagar, District - Purnia
 2. Raja Kumar @ Vinit Kumar, Son of Manoj Poddar Resident of Village - Borarahi Char Tola, P.S.- Janki Nagar, District - Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Madan Rishi Son of Videshi Rishi Resident of Village - Borarahi Char Tola, P.S.- Janki Nagar, District - Purnia

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhola Prasad, Advocate
For the Respondent No.1: Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 07-11-2025 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The learned Spl. PP has informed that pursuant to the order dated 11.12.2024 the informant of this appeal has been intimated about the pendency of the present appeal, however, nobody has appeared on behalf of the respondent no. 2 in the present case.

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 anticipatory bail vide order dated 20.02.2024 passed by the



learned Special Judge, SC/ST Act, Purnea in A.B.A. No. 155 of 2023 in connection with SC/ST P.S. Case No.50 of 2023 registered for the offence/s punishable under Sections 341, 323, 324, 307, 452, 504, 506, 34 of the I.P.C and under Sections 3(i)(r)(s), 3(2)(va) of the SC/ST (POA) Act.

4. As per the prosecution case, the informant has alleged that the eight named accused persons came to his house and started abusing taking caste name and thereafter it is alleged that everybody started assaulting the family members of the informant and the appellant No. 2, Raja Kumar with an intention to kill his sister-in-law gave repeated blows by a sword on her head.

5. Learned counsel for the appellants submit that the appellants have been falsely implicated and no such incident as alleged had occurred. It has further been submitted that injury report does not corroborate the allegations levelled in the FIR and in fact the injuries on the sister-in-law of the informant were found to be simple. It has been stated that it is on account of some personal dispute that the appellants have been falsely implicated in this case. It has been submitted that no case under SC/ST Act is made out on a plain reading of the FIR. It has lastly been submitted that the appellants have clean antecedents.



6. Learned Spl. P.P. for the State has vehemently opposed the prayer for anticipatory bail of the appellants.

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 20.02.2024 passed by the learned Special Judge, SC/ST Act, Purnea in A.B.A. No. 155 of 2023 in connection with SC/ST P.S. Case No.50 of 2023, is set aside against the appellant. The criminal appeal is allowed.

8. Considering the aforesaid submission, facts and circumstances of the case, let the appellants above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with SC/ST P.S. Case No.50 of 2023 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) The appellants are 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.

(ii) The appellants shall not, in any manner, threaten, contact, or attempt to influence the informant or any witness connected with the case.

9. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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