

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3101 of 2024**

Arising Out of PS. Case No.-31 Year-2023 Thana- SC/ST District- Saran

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1. Mamta Devi, Wife of Munna Singh, R/O Vill.- Aami, P.S.- Dighwara, Dist.- Saran at Chapra
 2. Suraj Singh @ Amit Kumar Singh @ Suraj Kumar Singh @ Suraj, Son of Munna Singh, R/O Vill.- Aami, P.S.- Dighwara, Dist.- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Kamal Kuer, Wife of Bachan Ram, R/O Vill.- Rampur Aami, Post- Aami, P.S.- Dighwara, Dist.- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajani Kumari, Advocate
For the Respondent No.1:		Mr. Sadanand Paswan, Spl. PP
For the Respondent No.2:		Mr. Shailendra Kumar Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER**

4 07-11-2025 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Special Public Prosecutor for the State.

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 anticipatory bail vide order dated 25.05.2024 passed by the learned SC/ST Exclusive Special Judge, Chapra, Saran, in A.B.P. No. 1694 of 2024 in connection with SC/ST P.S. Case No. 31 of 2023 registered for the offence/s punishable under Sections 341, 323, 324, 354, 504, 34 of the I.P.C and under Sections 3(i)(r)(s)(w), 3(2)(va) of the SC/ST (POA) Act.

3. As per the prosecution case, the informant has



alleged that while she was at the fields co-accused Munna Singh started abusing her taking caste name and thereafter it is alleged that Mamta Devi (appellant No. 1) caught hold of her hair and pushed her on the floor while her son Suraj Singh (appellant no.2) disrobed her. It is further alleged that accused Aditya Singh assaulted her on her head which caused injury over her left eye.

4. Learned counsel for the appellants submit that the appellants have falsely been implicated and no such incident, as alleged had occurred. It has been submitted that on mere reading of the FIR, it would be evident that there is no allegations with respect to the offence under the SC/ST Act made out against the appellants. It has next been submitted that vague allegations had been levelled against the appellant No.1 that she had assaulted the informant and had pushed her on the floors, however, no injury report has come on record to suggest that she had indeed received any injury. It has been lastly submitted that the appellants have clean antecedent.

5. Learned counsel counsel for the respondent No.2 and the learned Spl. PP have vehemently opposed the prayer for grant of anticipatory bail to the appellants and have stated that the appellants have been instrumental in assaulting the informant as



well as in disrobing the informant in a public place and hence they did not deserve the liberty of bail.

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 appellants, the impugned order dated 25.05.2024 passed by the learned SC/ST Exclusive Special Judge, Chapra, Saran, in A.B.P. No. 1694 of 2024 in connection with SC/ST P.S. Case No. 31 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. 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. 31 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.

8. 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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