

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3206 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- MAHUA District- Vaishali

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1. Deepak Kumar Son Of Subodh Kumar R/O- Village- Vishanpur Vejha, Karitan, P.S.- Mahua, Distt.- Vaishali
 2. Sujeet Kumar @ Suchit Kumar @ Sujit Kumar Son Of Subodh Kumar @ Manoj Kumar R/O- Village- Vishanpur Vejha, Karitan, P.S.- Mahua, Distt.- Vaishali
 3. Adarsh Kumar Son Of Indrajit Kumar R/O- Village- Vishanpur Vejha, Karitan, P.S.- Mahua, Distt.- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Urmila Devi Wife of Late Manoj Ram R/V- Village- Karitan, Karihan kariha, Kariho, P.O. -Vishanpur Vejha, P.s.- Mahua, Distt.- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravish Mishra, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Aashish Kumar, Mrs. Bela Singh, Mr. Rajeev Ranjan, Advocates

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 18-11-2025 Heard learned counsel for the appellants, respondent no. 2 and the State.

2. This appeal has been filed against the order dated 27.04.2024 passed by learned Exclusive Special Judge, SC/ST, Vaishali at Hajipur in connection with A.B.P. No. 1048 of 2024 arising out of Mahua P.S. Case No. 02 of 2024, registered under Sections 147, 341, 323, 354, 506/34 of the Indian Penal Code and Section 3(1)(r)(s)(w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of appellants has been rejected

3. As per prosecution case, on the alleged date and time of occurrence, while informant was sleeping in her house, all the F.I.R. named accused persons including these appellants along with 50 unknown persons entered her house and started assaulting her son. When informant woke up and tried to rescue her son, the accused persons assaulted and abused her by caste name and tried to commit rape with her.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As a matter of fact, on account of scuffle between the children, an altercation took place between the parties in which both sides sustained injuries. Allegation of assault is general and omnibus and there is no specific allegation of overt act against the appellants. Rest of the allegations are ornamental only to make the case grave. F.I.R. has been lodged after inordinate delay of five days which itself raises doubt over veracity of the prosecution case. As per F.I.R., alleged incident occurred inside the house of informant and not within public view, as such, no offence under SC/ST Act is made out against these appellants. It is further submitted that similarly situated co-accused, namely, Kedarnath Kunwar has already been granted



anticipatory bail by this Court *vide* order dated 10.04.2025 passed in Cr. Appeal (SJ) No. 2769 of 2024. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Vaishali at Hajipur in connection with Mahua P.S. Case No. 02 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 27.04.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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