

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3733 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RAJESH KUMAR DAS @ RAJESH KUMAR S/O LATE TUNTUN DAS
R/O VILLAGE- BHUIDHARA, PS. SAMASTIPUR (MUFFASIL), DIST.
SAMASTIPUR

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. BIMAL DEVI W/O RAJ KUMAR AKELA R/O VILLAGE-
BHUIDHARA, PS. SAMASTIPUR (MUFFASIL), DIST. SAMASTIPUR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Choudhary Shyam Nandan, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-10-2025 Heard learned counsel for the parties. Despite

valid service of notice , nobody appears on behalf of respondent

No. 2.

2. This appeal has been filed for setting aside order
dated 28.02.2023 passed in a case registered for the offence
punishable under sections 147, 149, 447, 341 , 323 , 307, 354
and 504 and other allied sections of the Indian Penal Code and
sections 3(i)(r)(s)/3(2)(v)(a) of the Scheduled Castes and
Scheduled Tribes Act, whereby the prayer for anticipatory bail
of the appellant has been rejected.

3 . As per F.I.R. informant namely Bimal devi alleged
that on 11.01.2023 at about 08:00 PM, all the F.I.R. named



accused persons including this appellant came at the house of informant and abused her and also pressurized informant to withdraw the case earlier lodged by informant side and upon denial, this appellant and co-accused Raj Kumar Das and Shiv Kumar Das disrobed her and other co-accused persons tried to outrage her modesty .

4. It is submitted that from perusal of F.I.R. it is apparent that specific allegation of assault is against other co-accused persons. So far as, this appellant is concerned, allegation is general and omnibus against him. It is further submitted that appellant himself belongs to SC category and as such, no case under the SC/ST Act is made out against him. Rest of the allegations are ornamental in nature to make the case grave .

5 . Learned special Public Prosecutor for the State opposed the bail appeal.

6. Considering the fact that there is no specific accusation against this appellant and also the fact that appellant also belongs to SC category and other circumstances of the case , this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of



receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned special Judge SC / ST (POA) Act Samastipur in connection with Samastipur Muffasil Police Station Case No. 104 of 2023 .

(Prabhat Kumar Singh, J)

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