

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3687 of 2024

Arising Out of PS. Case No.-304 Year-2022 Thana- BAJPATTI District- Sitamarhi

1. Laxman Ram @ Laxman Mahra Son of Ramashish Mahra R/O Vill.- Rasalpur @ Basepur, P.S.- Bajpatti, Dist. Sitamarhi. At present R/o village Basudevpur, P.S. Bajpatti, Dist. Sitamarhi
2. Lalit Ray Son of Maheshwar Ray R/O Vill.- Rasalpur @ Basepur, P.S.- Bajpatti, Dist. Sitamarhi. At present R/o village Basudevpur, P.S. Bajpatti, Dist. Sitamarhi
3. Fekan Baniya @ Fekan Das Son of Bhilwa Baniya @ Bhalaee Das @ Bhiswa Baniya R/O Vill.- Rasalpur @ Basepur, P.S.- Bajpatti, Dist. Sitamarhi. At present R/o village Basudevpur, P.S. Bajpatti, Dist. Sitamarhi
4. Deepak Kumar Son of Vikendra Ray R/O Vill.- Vasudevpur @ Basudeopur @ Basepur, P.S.- Bajpatti, Dist.- Sitamarhi.
5. Vinay Ray @ Vinay Kumar Ray Son of Shyam Ray R/O Vill.- Vasudevpur @ Basudeopur @ Basepur, P.S.- Bajpatti, Dist.- Sitamarhi.
6. Umesh Ray Son of Kariyan Ray R/O Vill.- Rasalpur @ Basepur, P.S.- Bajpatti, Dist.- Sitamarhi.
7. Kariyan Ray Son of Shivdhari Ray R/O Vill.- Rasalpur @ Basepur, P.S.- Bajpatti, Dist.- Sitamarhi.
8. Dinesh Ray Son of Kariyan Ray R/O Vill.- Malpatti Rasalpur, Basepur, P.S.- Bajpatti, Dist.- Sitamarhi.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Nagina Devi Wife of Laxman Ray R/O Vill.- Basepur, P.S.- Bajpatti, Dist.- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Santosh Kumar, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl.P.P.
For the Resp.No. 2	:	Mr. Sarvottam Anand, Advocate
		Mr. Avinash Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-08-2025 Heard Mr. Santosh Kumar, learned counsel for the appellants, Mr. Sarvottam Anand, learned counsel for the respondent no. 2 and Mrs. Usha Kumari 1, learned Special Public



Prosecutor for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 11.07.2024 passed by the learned Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Bajpatti P.S. Case No. 304 of 2022, F.I.R. dated 01.10.2022 registered under Sections 379, 504, 341, 323, 354B/ 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(2)(va) of the Scheduled Castes and Scheduled Tribes (POA) Act.

3. According to the prosecution case, all the FIR named accused persons are said to have abused the informant by taking caste name and assaulted her. It is further alleged that they pulled off her sari and also took away Rs.1,500/- cash, a mobile and valuable sari, jewellery etc.

4. Learned counsel for the appellants submits that appellant nos. 2 to 8 have no criminal antecedent and appellant no. 1 has one more case other than the present one but he is on bail in the pending matter. He further submits that appellant no. 1 is the husband of the informant and belongs to same community, so, no case is made out against him under SC/ST Act. So far as other appellants are concerned, the present occurrence has taken place in the house of the informant as per FIR, so, no case is made out under SC/ST Act against appellant nos 2 to 8.



5. Learned Special Public Prosecutor for the State and learned counsel for respondent no. 2 have vehemently opposed the prayer for bail of the appellants.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts and circumstances, the appellant nos. 2 to 8 have clean antecedent and the occurrence has taken place in the house of the informant, so no case is made out against the appellants under SC/ST Act, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two surities of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Bajpatti P.S. Case No. 304 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on



their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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