

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3884 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- MUSRIGHRARI District- Samastipur

1. Sarun Kumar Ray @ Sarun Ray Son of Late Ishwar Ray Resident of Village - Bathua Bujurg, Shihma Tola, P.S. - Musrigharari, District - Samastipur
2. Rinku Devi Wife of Sarun Ray @ Sarun Kumar Ray Resident of Village - Bathua Bujurg, Shihma Tola, P.S. - Musrigharari, District - Samastipur
3. Vijay Ray @ Vijay Kumar Ray Son of Keshwar Ray Resident of Village - Bathua Bujurg, Shihma Tola, P.S. - Musrigharari, District - Samastipur
4. Nirmala Devi Wife of Late Ishwar Ray Resident of Village - Bathua Bujurg, Shihma Tola, P.S. - Musrigharari, District - Samastipur
5. Shiv Kumar Ray @ Shiv Kumar Son of Ravindra Ray Resident of Village - Bathua Bujurg, Shihma Tola, P.S. - Musrigharari, District - Samastipur
6. Ravidra Ray Son of Asharfi Ray Resident of Village - Bathua Bujurg, Shihma Tola, P.S. - Musrigharari, District - Samastipur
7. Vikash Ray @ Vikash Kumar Ray Son of Haricharan Ray Resident of Village - Bathua Bujurg, Shihma Tola, P.S. - Musrigharari, District - Samastipur
8. Bittu Kumar Son of Late Sarun Kumar Ray Resident of Village - Bathua Bujurg, Shihma Tola, P.S. - Musrigharari, District - Samastipur
9. Awadhesh Ray @ Avadesh Ray Son of Late Keshwar Ray Resident of Village - Bathua Bujurg, Shihma Tola, P.S. - Musrigharari, District - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Kumar Ram Son of Ramvriksh Ram Resident of Village - Bathua Bujurg, Shihma Tola, P.S. - Musrigharari, District - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rambabu Yadav, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP
For the Informant	:	Mr. Ajay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellants, the learned
Spl. P.P. for the State and the learned counsel for the informant.

2. This appeal is preferred against the order dated



31.07.2024 passed by the learned Special Judge, SC/ST Act, Samastipur passed in ABP No. 1776 of 2024 arising out of Musrigharari P.S. Case No. 67 of 2024 registered for the offence under Sections 279, 337, 338, 341, 323, 324, 504, 506/34 of the Indian Penal Code and under Sections 3(i)(r), 3(1)(s) of the SC/ST Act, by which the prayer of the appellants for anticipatory bail was rejected.

3. As per the prosecution case, the appellants are accused of assaulting the son of the informant and also abused the informant and his son by taking caste name.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case and therefore, this anticipatory bail application is maintainable. He further submits that for a trivial dispute, the occurrence has taken place. He further submits that the occurrence took place on 14.05.2024 and the FIR was lodged on 18.05.2024 after the delay of four days.

5. Learned counsel for the State and the learned counsel for the informant have opposed the prayer of the appellants.

6. From the reading of the entire FIR, it does not



appear that offence has been committed against the informant on the ground that he is a member of SC/ST community and the same appears to be a *mala fide* prosecution.

7. In these circumstances, in the opinion of this Court, this application for grant of anticipatory bail is maintainable.

8. Considering the rival submissions of the parties and the facts of the case, the appeal stands allowed. Accordingly, the order dated 31.07.2024 passed by the learned Special Judge, SC/ST Act, Samastipur in ABP No. 1776 of 2024 arising out of Musrigharari P.S. Case No. 67 of 2024 is hereby set aside.

9. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Samastipur/concerned Court below in connection with Musrigharari P.S. Case No. 67 of 2024, subject to the conditions laid down under Section 438(2) of the Cr. P.C./ Section 482(2) of the BNSS.

(Sandeep Kumar, J)

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