

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3915 of 2024**

Arising Out of PS. Case No.-22 Year-2023 Thana- SC/ST District- Saharsa

Neeraj Kumar @ Niraj Kumar Son of Sadanand Sah Resident of Village -  
Saini Tola, Ward No.21, P.S. - Simri Bakhtiyarpur, District - Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Urmila Devi Wife of Lalo Ram Resident of Village - Hatiya Gachchi, Ward  
No.28, P.S. - Simri Bakhtiyarpur, District - Saharsa

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Amarnath Jha, Advocate  
For the Respondent/s : Mrs. Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

4      28-01-2025                      Heard learned counsel for the appellant, learned  
Special Public Prosecutor for the State and perused the case  
diary.

2. The instant appeal has been filed by the appellant  
against the order dated 20.07.2024 passed by learned Additional  
Sessions Judge, 1st-cum-Special Judge SC/ST (POA) Act,  
Saharsa, whereby the prayer for bail of the appellant in  
connection with Saharsa SC/ST P.S. Case No. 22 of 2023, under  
Sections 341, 323, 354, 379, 504, 506, 34 of the Indian Penal  
Code, Sections 3(1)(r), 3(1)(s), of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellant  
along with other co-accused persons have outraged modesty of



the daughter of the informant and also threatened her of committing rape upon her.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that parents of the appellant also runs a small shop and due to business rivalry the appellant has been falsely implicated. The appellant and informant are neighbours. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 08.06.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 20.07.2024 passed by learned Additional Sessions Judge, 1st-cum-Special



Judge SC/ST (POA) Act, Saharsa, is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saharsa SC/ST P.S. Case No. 22 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

