

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3887 of 2024

Arising Out of PS. Case No.-353 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

1. Umesh Ray Son of Jayan Ray @ Jainandan Ray R/o Village- Goriyatola, P.S.- Chapra Muffasil, District- Saran at Chapra (Bihar)
2. Ashok Ray Son of Dharmnath RAY R/o Village- Goriyatola, P.S.- Chapra Muffasil, District- Saran at Chapra (Bihar)

... .. Appellants.

Versus

1. The State of Bihar
2. Rahul Kumar Son of Vijendra Ram R/o Village- Goriyatola, P.S.- Chapra Muffasil, District- Saran at Chapra (Bihar)

... .. Respondents.

Appearance :

For the Appellants : Mr. Rakesh Kumar, Advocate
For the State : Mr. Sadanand Paswan, Special P.P.
For the respondent no.2 : Mr. Binod Kumar Sinha, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 29.07.2024 passed by learned Exclusive Special Judge SC/ST Act, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 353 of 2024 registered under Sections 341, 323, 504, 506 and 379/34 of the Indian Penal



Code and Section 3(1) (s) /3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The case of the prosecution is that the informant's cousin sister was intercepted and forbade from fetching water by abusing and assaulting her and thereafter all the accused persons also came to the house of the informant and hurled abuses and assaulted.

4. At the very out set, it is submitted by learned counsel for the appellants that it would be apparent from the first information report itself that so far as the allegation of abusing and assaulting is concerned, the same has been allegedly done near the house of the informant and inside the house of the informant, none of which are in public view, hence no offence under the SC/ST Act is made out against the appellants. It is further submitted that there is delay of three days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. There is case and counter case and the case filed on behalf of the appellants has also been brought on record. It is further submitted that the injury sustained by the informant and one Suraj Kumar are simple in nature. It is further submitted that the injury report of the informant (Annexure-2



series to this appeal) would show that the injury is in the nature of abrasion and swelling and are simple in nature caused by hard and blunt substance. It is, thus, submitted that the provisions of the SC/ST Act would not be applicable and the allegation under Section 379 IPC is an ornamental one.

5. Learned Special Public Prosecutor for the State and learned counsel for the respondent no.2 have opposed the prayer for anticipatory bail on the ground of allegations made in the first information report with regard to hurling abuses and assault.

6. Taking into consideration the facts and circumstances of the case and also the fact that prima facie, no offence seems to be made out under SC/ST Act as the occurrence has allegedly taken place near the house of the informant and inside the house of the informant coupled with the fact that there is delay of three days in lodging the F.I.R., let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST Act, Saran at Chapra in connection with Chapra Muffasil P.S. Case No.353 of 2024, subject to the



condition as laid down under Section 438 (2) of the Cr.P.C./Section 482 (2) of the BNSS, subject to further condition that the appellants will cooperate in the investigation/trial of the case.

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

(Soni Shrivastava, J)

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