

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3960 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- SC/ST District- Rohtas

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1. Subodh Rai @ Subodh Kumar Rai Son of Uma Shankar Rai Resident of Village- Ladui, P.S.-Karhgar ,District-Rohtas
 2. Alok Rai @ Alok Kumar Rai Son of Uma Shankar Rai Resident of Village- Ladui, P.S.-Karhgar ,District-Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Puja Devi Wife of Lavkush Paswan Resident of Village- Ladui, P.S.-Karhgar ,District-Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anjani Parashar
For the State	:	Mr. Binay Krishna
For the Res. No. 2	:	Mrs. Niharika Rani

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 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, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 26.07.2024, passed by learned Additional District and Sessions Judge-17-cum-Special Judge, SC/ST Act, Sasaram, Rohtas in connection with SC/ST P.S. Dehri Case No. 17 of 2024, registered under Sections 341, 323, 379, 354(B), 504 and 506/34 of the IPC and Sections 3(i) (r)(s)(w) and 3(2)(va) of SC/ST Act.

3. The case of the prosecution is that on account of a dispute with regard to the fact that the husband of the informant



had worked for the election campaign of the appellant on an agreement of payment of Rs. 500/- on a daily basis. It has been stated that when he demanded the amount of Rs. 15,000/-, the appellants abused him with his caste name and also assaulted.

4. Learned counsel for the appellants submits that as a matter of fact, the entire first information report does not have any element of truth and for an occurrence which is said to have taken place on 02.01.2024 the first information report was lodged on 24.02.2024 and no plausible explanation has been tendered for such inordinate delay. It has also been pointed out that the injury report also indicates that the informant and her husband had both suffered simple injuries in the nature of abrasion caused by hard and blunt substance and the said injury report indicates that the patients were examined on 01.01.2024 itself whereas the incident is said to be of 02.01.2024. It is on such ground that it has been submitted that the entire case is false and fabricated.

5. However, learned APP for the State and learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail on the ground of hurling of abuses and assault.

6. In the background of the dispute with regard to payment of money and the submissions made on behalf of the appellants, prima facie no offence under the provisions of SC/ST Act appears to be made out as there is an element of mala fide and earlier



dispute.

7. Taking into consideration the facts and circumstances and also considering that the FIR has been lodged after inordinate delay with no plausible explanation for the same and also considering that the injury is also said to be simple in nature caused by hard and blunt substance and that too prior to the alleged date of incident, 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 enlarged 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 Additional District and Sessions Judge-17-cum-Special Judge, SC/ST Act, Sasaram, Rohtas in connection with SC/ST P.S. Dehri Case No. 17 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Soni Shrivastava, J)

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