

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4364 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- JALALGARH District- Purnia

1. BADMIYA DEVI @ BADMIYA RISHI W/O LATE BIRENDRA RISHI @ BIREN RISHI RESIDENT OF BEGAMPUR, PS. JALALGARH, DIST. PURNEA, BIHAR
2. PRADEEP KUMAR RISHI S/O SRI HARISH CHANDRA RISHI RESIDENT OF BEGAMPUR, PS. JALALGARH, DIST. PURNEA, BIHAR
3. SUMAN RISHI @ SUVAN RISHI S/O LATE BHAGWAN RISHI RESIDENT OF BEGAMPUR, PS. JALALGARH, DIST. PURNEA, BIHAR
4. DOMI RISHI S/O SRI SHYAMSUNDAR RISHI RESIDENT OF BEGAMPUR, PS. JALALGARH, DIST. PURNEA, BIHAR
5. RAMESH RISHI S/O LATE BASUDEO RISHI @ BASDEO RISHI RESIDENT OF BEGAMPUR, PS. JALALGARH, DIST. PURNEA, BIHAR
6. NAZIR RISHI S/O LATE GUNESHWAR RISHI RESIDENT OF BEGAMPUR, PS. JALALGARH, DIST. PURNEA, BIHAR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MINIYA DEVI @ MUNIYA DEVI W/O RESHLAL DHAMI RESIDENT OF BEGAMPUR, PS. JALALGARH, DIST. PURNEA, BIHAR

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Anirudh Mishra , Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 24-07-2025 Heard learned counsel appearing for the appellants

and learned Special Public Prosecutor appearing for the

respondent-State.

2. Despite valid service of notice, no body appears on
behalf of informant/Respondent No. 2.



3. This appeal has been filed for setting aside order dated 27.07.2023, passed in a case registered for the offence punishable under Sections 341, 323, 354A, 354B, 427, 504, 506 and 34 of the I.P.C. and Section 3(1)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of these appellants has been rejected.

4. As per the prosecution case, informant, namely Miniya Devi, alleged that on 18.04.2023 at about 7 PM, when she went to collect her clothes, all the F.I.R. named accused persons, including these appellants, abused her by caste name and attempted to commit rape with her. It is further alleged that all the accused persons also assaulted family members of informant when they came to save her.

5. It is submitted by learned counsel appearing on behalf of the appellants that the appellants are quite innocent and have committed no offence. The entire prosecution case, as set out in the first information report is false and concocted. The real fact is that there is a land of the appellants' family situated at *Begampur Chowk* which with the passage of time became valuable and nature of the aforesaid land became commercial. Informant's husband is a land broker and has greedy eyes over



the land in question and on 18.04.2023 at about 5 PM, informant's husband and his associates, armed with deadly weapons, assembled at the *chowk* and forcibly tried to grab the land of appellants' family on protest, a quarrel took place between the parties and in retaliation, this false and concocted case has been lodged. Injuries allegedly caused by these appellants is simple in nature. It is further submitted that appellants themselves belong to Scheduled Caste and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.

7. Considering the facts and circumstances of the case, this appeal is allowed and the impugned order dated 27.07.2023 passed by the learned Special Judge, SC/ST Act, Purnea in connection with A.B.P. No. 79 of 2023 arising out of Jalalgarh P.S. Case No. 67 of 2023 is hereby set aside with respect to these appellants only.

8. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on



bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Purnea in connection with Jalalgarh P.S. Case No. 67 of 2023.

(Prabhat Kumar Singh, J)

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