

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4360 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- PIPRAKOTHI District- East Champaran

1. Ambika Rai @ Amika Rai Son of Jamun Rai R/O Vill.- Maharani, Bairiya, P.S.- Kotwa, Dist.- East Champaran.
2. Sanjay Yadav @ Sanjay Rai Son of Ambika Rai R/O Vill.- Maharani, Bairiya, P.S.- Kotwa, Dist.- East Champaran.
3. Anil Rai @ Anil Yadav Son of Jamun Rai R/O Vill.- Maharani, Bairiya, P.S.- Kotwa, Dist.- East Champaran.
4. Ramdeo Rai Son of Jamun Rai R/O Vill.- Maharani, Bairiya, P.S.- Kotwa, Dist.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Suresh Ram Son of Ramnath Ram R/O Vill.- Nanhkar Pakari, P.S.- Pipra, Dist.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar , Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 04-12-2025 Heard learned counsel for parties. Despite valid service of notice , nobody appears on behalf of respondent No. 2.

2. At the outset, learned counsel for the appellants seek permission to withdraw bail appeal of appellant Nos. 1 and 2.

3 . Permission is accorded.

4. The bail appeal with respect to appellant Nos. 1 and 2 is dismissed as withdrawn .



5 . Heard learned counsel for appellants Nos. 3 and 4 and learned special Public Prosecutor.

6. This appeal has been filed for setting aside order dated 22.08.2024 passed in a case registered for the offence punishable under sections 147, 148 , 149, 341 , 323 , 325 , 307, 354 (B) (C) , 379, 504 and 506 of Indian Penal Code and sections 3(i)(r)(s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

7. As per the prosecution case , informant namely, Suresh Ram alleged that on 25.03.2024 , all the F.I.R. named accused persons including these appellants abused informant and his family members by caste name and assaulted them and also teased niece of informant.

8 . It is submitted that appellants are innocent and are simply victim of over implications due to political rivalry . The present case is nothing but counter blast of Piprakothi PS Case No. 71 of 2024 which was lodged by co-accused Sanjay Yadav against informant and others. Allegation is general and omnibus against these appellants. No specific overt act is alleged against them. It is further submitted that there is no material to suggest that the offence was committed solely on the



ground that the informant belongs to Schedule caste and Schedule tribes and as such, no case under SC/ST Act is made out.

9. Learned special Public Prosecutor for the State opposed the prayer for bail.

10 . Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant Nos. 3 and 4 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 the learned Special Judge SC / ST (POA) Act, East Champaran Motihari in connection with Piprakothi Police Station Case No. 70 of 2024 .

(Prabhat Kumar Singh, J)

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