

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4384 of 2024**

Arising Out of PS. Case No.-405 Year-2024 Thana- RAFIGANJ District- Aurangabad

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Arun Gupta @ Arun Kumar Gupta Son of Late Rajendra Gupta @ Rajendra
Saw Village- Kajpa, Ps- Rafiganj, Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Manvriti Devi Lalan Kumar Kajpa, P.S. Rafiganj
2. Manvriti Devi Wife of Lalan Kumar Village- Kajpa, Ps- Rafiganj, Dist-
Aurangabad

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Aman Vishal

For the Respondent/s : Mrs. Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 13-11-2025

Heard learned counsel for the appellant and
learned Special PP for the State.

2. The present appeal has been preferred by the appellant under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by order dated 04.09.2024 passed by learned Special Judge, SC/ST-cum-1st Additional District and Sessions Judge, Aurangabad, in connection with Rafiganj P.S. Case No. 405 of 2024 in which cognizance has been taken against the appellant under Sections 74, 75, 115(2), 126(2), 351(2) of the B.N.S. & section 3(1)(r),



3(1)(s), 3(w)(i) 3(2)(va) of the S.C. & S.T. (Prevention of Atrocities) Act, 1989.

3. As per prosecution case, the appellant came to the house of the informant and profusely abused her taking her caste name and also assaulted her. The appellant also abused the husband and son of the informant taking their caste name. Lastly, the appellant assaulted the son of the informant after abusing him.

4. Learned counsel for the appellant submit that the appellant is innocent and has falsely been implicated in this case. From the facts of the F.I.R., the allegation appears to be not believable. It is not clear that why a person abused and assault another without any reason. The falsity of the allegation is also apparent from delay in lodging the F.I.R. as it has been lodged after 11 days of occurrence without any explanation. There is land dispute between the parties and this fact has come in the investigation the statement of witnesses. A simple case is given a colour of caste based atrocities. The appellant never abused, assaulted nor threatened the informant and her son and husband and none of their appearance is alleged to have taken place in any public place. So no offence under Provisions of SC/ST (Prevention of Atrocities) Act is made out against the



appellant. Appellant has got clean antecedent.

5. Learned Special P.P. opposes the submission made by learned counsel for the appellant.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the doubtful nature of allegation to make out a case under the provision of SC/ST (Prevention of Atrocities) Act and further considering clean antecedent of the appellant, let the appellants above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/-(Rupees Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, (SC/ST)-cum- 1st Additional District and Sessions Judge, Aurangabad, in connection with Rafiganj P.S. Case No. 405 of 2024, subject to the condition laid down under Section 438 (2) of Cr.P.C. and other following conditions:

(i) One of the bailors will be a close relative of the appellant.

(ii) The appellant will remain present on each and every date fixed by the court below.

7. In terms of above, the impugned order dated



04.09.2024 is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

Ranjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

