

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4539 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- SC/ST District- Vaishali

1. Sudhir Rai S/o- Suresh Rai Vill- Saidabad Ps- Raghapur Dist- Vaishali
2. Dhoni Rai @ Sujit Kumar @ Dhonu Rai @ Sujit Rai son of Suresh Rai Vill- Saidabad Ps- Raghapur Dist- Vaishali
3. Mithilesh Rai Son of Late Ganga Rai Vill- Saidabad Ps- Raghapur Dist- Vaishali
4. Sunil Kumar @ Sunil Rai Son of Suresh Rai Vill- Saidabad Ps- Raghapur Dist- Vaishali
5. Rajeev Kumar @ Rajeev Rai Son of Suresh Rai Vill- Saidabad Ps- Raghapur Dist- Vaishali
6. Saroj Rai son of Suresh Rai Vill- Saidabad Ps- Raghapur Dist- Vaishali
7. Suresh Rai Son of Late Ganga Rai Vill- Saidabad Ps- Raghapur Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Anshu Devi W/o- Rahul Das Vill- Saidabad Ps- Raghapur Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjit Kumar Thakur, Advocate
For the State : Mr.Binay Krishna, Sp. P.P.
For Respondent No.2 : Ms. Shyamli Kumari, Advocate
Ms. Ayushi Gupta, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-11-2025 After some arguments, learned counsel for the appellants prays for withdrawal of anticipatory bail application on behalf of Appellant No.6, Saroj Rai in order to surrender and seeks regular bail.

2. Permission is granted.

3. This application is dismissed as withdrawn on behalf of Appellant No.6, Saroj Rai with liberty that if the appellant no.6 surrenders and seeks regular bail within a period of four weeks before the learned Court below, the same shall be considered on its own merit without being prejudiced by the



present order of withdrawal preferably on the same day.

4. Thus, the instant appeal survives only against Appellant Nos. 1 to 5 and 7.

5. Heard learned counsel for the appellants, learned counsel appearing on behalf of the Respondent No. 2 as well as learned Spl.P.P. for the State.

6. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 28.08.2024 passed by the learned Court of Exclusive Special Court SC/ST, Vaishali at Hajipur in connection with SC/ST P.S. Case No.22 of 2024, registered under Sections 341, 323, 325, 504, 506, 354 and 34 of the Indian Penal Code and Sections 3(1) (r) (s)(w)(i)3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

7. The case of the prosecution is that accused Saroj Rai had entered the house of the informant and had touched her with bad intention and on the next day when the informant's family went to complain about this to the family of Saroj Rai, they started abusing and assaulting her family due to which they sustained injuries.

8. Learned counsel for the appellants submits that F.I.R itself would indicate that both the parties are the neighbors



and thrust of the allegation is against Saroj Rai whose prayer for bail has already been withdrawn. So far as other appellants are concerned, there are general and omnibus allegation levelled against them of hurling abuses and that too inside the house of the appellants, as has been stated in the F.I.R. itself, thus the occurrence, if any, has not taken place in public view and therefore, provisions of SC/ST Act would not be made out. It has further been submitted that informant's husband is a habitual drunkard and was also involved in liquor business which was being objected to by the appellants, hence they all have been falsely implicated in the present case. Further, there is delay of seven days in lodging of F.I.R which shows that the same has been lodged after due thought and deliberation.

9. Learned counsel appearing on behalf of the Respondent No. 2, Ayushi Gupta as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants based upon the allegation made in the F.I.R.

10. In view of the fact that F.I.R itself indicates that occurrence of assault and abuse has taken place inside the house of the appellants, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act *prima facie* is made out against



the appellants.

11. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that there are general and omnibus allegation levelled against the appellants coupled with inordinate delay in lodging of the F.I.R and also considering that injury suffered by informant's husband is simple in nature caused by hard and blunt object, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing each of them bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Court SC/ST, Vaishali at Hajipur in connection with SC/ST P.S. Case No.22 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Soni Shrivastava, J)

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