

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4536 of 2024

Arising Out of PS. Case No.-243 Year-2024 Thana- VAISHALI District- Vaishali

Md. Hasnain @ Hasnain Ali Son of Md. Sakir Ansari R/O Vill.-
Chintamanipur, P.s.- Vaishali, Belsar O.P., Dist.- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Nishi Kumari D/O Akhilesh Rajak, R/O Mouna Mahima, P.S.- Vaishali,
Belsar O.P., Dist.- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjit Kumar Thakur, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 10-07-2025 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 and learned Spl. P.P. for the
State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities Act), 1989 (hereinafter referred to as “SC/ST Act”)
against the refusal of prayer for anticipatory bail of the appellant
vide order dated 28.08.2024 passed by the learned Exclusive
Special Court SC/ST, Vaishali at Hajipur in connection with
A.B.P. No. 2145 of 2024, arising out of Vaishali (Belsar O.P.)
P.S. Case No. 243 of 2024 dated 30.06.2024 registered for the
alleged offences punishable under Sections 323, 354B and 454



of the Indian Penal Code and under Sections 3(1)(x)(xi)(xii), 3(1)(r)(s)(w)(i)(ii) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and also under Section 67(A) of the I.T. Act.

3. As per prosecution case, the appellant and the co-accused persons used to restrain the informant while she was going to college and also committed obscene act with her and showed her their private parts. When the informant's family tried to solve the matter on a social level, the accused persons threatened her to gang rape and acid attack. When the informant's mother solemnized her marriage with another person, the co-accused persons sent her obscene video and messages to her husband and also threatened to kill the informant and her husband.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. Learned counsel further submitted that there is no specific allegation against the appellant, rather there is general and omnibus allegation levelled against all the co-accused persons including the appellant. Learned Counsel further submitted that caste name was not disclosed by anyone at the time of alleged occurrence. As per FIR, no member of public was present at the



relevant point of time of the incident. Learned counsel further submitted that no particular caste name has been called out by the appellant, hence no case is made out under SC/ST (PoA) Act. The co-accused Mukesh Ram has been granted regular bail by this Court *vide* order dated 06.02.2025 passed in Cr. Appeal (SJ) No. 4025 of 2024. The appellant claims clean antecedent.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellant, the impugned order dated 28.08.2024 passed by the learned Exclusive Special Court SC/ST, Vaishali at Hajipur in connection with A.B.P. No. 2145 of 2024, arising out of Vaishali (Belsar O.P.) P.S. Case No. 243 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court



SC/ST, Vaishali at Hajipur in connection with A.B.P. No. 2145 of 2024, arising out of Vaishali (Belsar O.P.) P.S. Case No. 243 of 2024, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, on further conditions:

(i) The appellant is directed to remain physically present before the learned trial Court on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the appellant is liable to be cancelled.

(ii) If the appellant is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(Chandra Prakash Singh, J)

Shahnawaz/-

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