

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4574 of 2024

Arising Out of PS. Case No.-273 Year-2024 Thana- EKMA District- Saran

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1. Prince Kumar Rai @ Prince Kumar Son of Santosh Rai Resident of village- Rahampur, PS- Ekma, Dist.- Saran
 2. Rajneesh Kumar Rai @ Rajnish Rai Son of Arjun Rai Resident of village- Rahampur, PS- Ekma, Dist.- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sakaldeep Kumar Manjhi Son of Ganesh Manjhi Resident of village- Rahampur, PS- Ekma, Dist.- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Kumari Anupam, Advocate
For the Resp. State	:	Mrs. Usha Kumari 1, Special PP
For the Res. No. 2	:	Mr. Yashraj Bardhan, Advocate
		Mr. Rananjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 18-11-2025

Heard learned counsel for the appellants, learned counsel for the informant/respondent no.2 as well as learned special PP for the State.

2. The present appeal has been preferred by the appellants under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of their prayer for anticipatory bail by order dated 02.09.2024 passed by learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Saran at Chapra in connection with Ekma Case No. 273 of 2024 registered for the alleged



offences under Sections 127(1), 115(2), 118(1), 3(5) of Bharatiya Nyaya Sanhita, 2023 Section 3(1)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, while the informant had been returning his home with his niece, the appellants and co-accused surrounded them and taking caste name abused them. When the informant forbade them from doing so, all of them assaulted him with *lathi* , *danda*, slaps and fists. Appellant no. 1 hit the informant on his head with his bracelet, causing its fracture.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The allegations are general and omnibus. There is case and counter case between the parties and one of the relatives of the appellants has lodged an FIR against the agnate of the informant for enticing away his minor daughter. The prosecution case is not believable and this fact is apparent from the contents of the FIR that no reason or motive has been mentioned for commission of offence by the appellants. No witness has been named who was present at the place of occurrence. No one received any injury and whole prosecution



case is falsified on this account. Incorporation of provision of SC/ST (Prevention of Atrocities) Act is only with a view to make the case serious and no offence has been committed under the provision of SC/ST (Prevention of Atrocities) Act. The appellants have got clean antecedents.

5. Learned Special PP as well as learned counsel for the informant/respondent no. 2 vehemently oppose the submission made on behalf of the appellants. Learned counsel for the respondent no. 2 submits that the appellants assaulted the informant abusing him taking his caste name at a public place. However, learned counsel concedes that there is no injury report on record. Learned counsel further submits that accused of FIR bearing Ekma P.S. Case No. 272 of 2024 is not related to the present informant in any manner.

6. Perused the record.

7. Having regard to the aforesaid facts and circumstances and submissions made on behalf of the parties and considering the absence of injury attributed to the appellants and also considering the doubtful nature of accusation and clean antecedent of the appellants, let the appellants above named, in the even 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 Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Saran at Chapra in connection with Ekma P.S. Case No. 273 of 2024, subject to the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be the close relative of the appellants.
- (ii) The appellants will remain present on each and every date fixed by the court below.

8. Accordingly, the impugned order dated 02.09.2024 is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2025
Transmission Date	19.11.2025

