

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4766 of 2024

Arising Out of PS. Case No.-150 Year-2024 Thana- MOHAMMADPUR District- Gopalganj

1. Jhagaru Rai Son of Late Ram Pravesh Rai Resident of Village - Kateya Khas, P.S. - Mohammadpur, District - Gopalganj
2. Vikash Rai @ Vikash Kumar Son of Jhagaru Rai Resident of Village - Kateya Khas, P.S. - Mohammadpur, District - Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilawari Devi Wife of Sudarshan Sah Resident of Village - Kateya Khas, P.S. - Mohammadpur, District - Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Naresh Prasad, Advocate

For the Respondent/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 17-11-2025 Heard learned counsel for the appellants and learned APP 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 the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 09.09.2024, passed by learned XI, Additional Sessions Judge-cum-Exclusive Special Judge under SC/ST Act, Gopalganj in connection with Mohammadpur P.S. Case No.150 of 2024, registered under Sections 147, 341, 323, 307, 379, 504 and 506/34 of the Indian Penal Code as well as under Sections 3(i)(r)(s) and 3(2)(Va) of the SC/ST Act.



3. Learned counsel appearing on behalf of the appellants submits that appellant no.1 has antecedent of one case and appellant no.2 is a person with clean antecedent and the informant alleges that on 18.05.2024 at 08:00 p.m. while her son Shree Ram Sah was returning from the market when accused persons including the appellants intercepted him and abused him with caste words, on protest, Shankar assaulted with fists and slaps, thereafter Sanjay assaulted him by an iron rod causing injury on head, further Bhola Rai slammed the informant by holding her hair and Sanjay assaulted the informant on head causing injury while appellant no.2 snatched golden chain of the informant.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 18.05.2024 and the FIR came to be instituted on 17.06.2024, i.e., after a delay of nearly a month. It is next submitted that in order to explain the the delay, it has been alleged that a *Panchayati* was convened and when the same became unsuccessful, the instant FIR came to be instituted. It is further submitted that had an occurrence of the nature, as alleged, taken place, in that event, the informant would not have tried to get



the matter settled through *Panchayati*. It is submitted that delay of one month in instituting the FIR is fatal. It is also submitted that this perhaps explains why no one appears on behalf of respondent no.2.

5. The learned APP opposes the appeal.

6. Considering the submissions made by learned counsel appearing on behalf of the appellants, let appellants, above named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with Mohammadpur P.S. Case No.150 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

Sanjay/-

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