

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4802 of 2024**

Arising Out of PS. Case No.-14 Year-2024 Thana- Gehlaur District- Gaya

Raushan Kumar Son of Surendra Mistri Resident of village- Mahmadpur PS-  
Gehlaur, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rita Devi Wife of Satyendra Choudhary Resident of village- Mahamatpur  
PS- Gehlaur, Dist.- Gaya.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Vijay Kumar, Adv.

For the Respondent/s : Mr.Usha Kumari 1, Spl.PP

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

ORAL ORDER

4      08-05-2025                      Heard learned counsel for the appellant and learned  
  
Spl. P.P. for the State. However, learned counsel for the  
  
respondent no. 2 is not present despite notice is validly served  
  
upon the respondent no. 2.

2. This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 against the rejection of prayer for bail of  
the appellant vide order dated 06.09.2024 passed by the learned  
Exclusive Special Judge (SC/ST Act), Gaya in connection with  
B.P. 2645/2024 arising out of Gehlaur P.S. Case No. 14 of 2024  
dated 10.06.2024 registered for the alleged offences punishable  
under Sections 341, 323, 504, 506, 452, 379 read with Section 34 of



the Indian Penal Code and Sections 3(1)(r)(s)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

**3.** As per prosecution case, on 29.05.2024 when the informant was working at her home, in the meantime, the appellant and the co-accused persons came there and started abusing by calling her caste name. When the informant started crying then her mother came to rescue her then the appellant assaulted her with khanti due to which she sustained injury in her neck and fell down. The co-accused, Prince Kumar snatched golden locket and jitiya from the informant's mother. The co-accused, Kajal Kumari and Nirmala Devi entered the house of the informant and took Rs. 4,000/- from the box.

**4.** Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is a land dispute between the parties. The occurrence took place on 29.05.2024 but the F.I.R. was lodged on 10.06.2024 and there is no explanation for this delay. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the



alleged offence. Learned counsel has further submitted that as per the impugned order, the injury of the injured has not been mentioned. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 03.08.2024

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 06.09.2024 passed by the learned Exclusive Special Judge (SC/ST Act), Gaya in connection with B.P. 2645/2024 arising out of Gehlaur P.S. Case No. 14 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on 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 Judge (SC/ST Act), Gaya in connection with Gehlaur P.S. Case No. 14 of 2024 with the conditions :-

*(i) The appellant is directed to remain physically*



*present before the learned Court below 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) The appellant is directed to cooperate in the trial before the learned court below.*

**(Chandra Prakash Singh, J)**

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