

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4847 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- SC/ST District- Muzaffarpur

Krishan Kumar Bharti @ Jaibabu @ Krishn Kumar Bharti Son of Bihari Rai
Resident of Village- punarwara Shyam, P.S.- Rampur Hari District-
Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakshmeniya Devi Wife of Late Vakil Manjhi Resident of Village-
Punarwara Shyam, P.S.- Rampur Hari District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vindhya Keshari Kumar, Sr. Advocate
	:	Mr. Neeraj Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 04-12-2025 Heard Mr. Vindhya Keshari Kumar, learned senior
counsel for the appellant and learned Spl. P.P. for the State.
However, no one appears on behalf of the informant.

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 02.08.2024 in A.B.P. No. 2547 of 2024 passed by
the learned Special Judge S.C./S.T. (POA) Act, Muzaffarpur in
connection with SC/ST P.S. Case No. 16 of 2024 registered for
the offences punishable under Sections 341, 323, 325, 354(B),
506, 504 and 34 of the Indian Penal Code as well as Sections



3(1)(r), 3(1)(s) and 3(1)(w)(i) of the SC/ST Act.

3. Learned senior counsel for the appellant submits that appellant has antecedent of one case and the informant alleges that on 26.03.2024, she was returning home and reached near the house of Rajendra Rai, when she saw that Krishna Kumar along with his family members were assaulting Rajendra Rai and his family members, on seeing the wife of Rajendra Rai and his son Sujit in an injured condition, the informant started raising alarm and went to save them, when on orders of Bihari, accused Shyam Sundar started abusing by taking caste name and started assaulting, thereafter Vidyanand assaulted by farsa causing injury on hand and Krishna Kumar also abused by taking caste name and unveiled her, further alleges that she was taken to hospital, next alleges that Chandan and Vinay came to her house and abused by taking caste name and threatened.

4. Learned senior counsel for the appellant submits that the appellant has been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 26.03.2024 and the FIR came to be instituted on 12.04.2024 i.e. after a delay of more than 15 days. It is next submitted that for the same occurrence Rajendra Rai instituted Rampur Hari P.S. Case No. 73/2024 dated 28.03.2024. It is next submitted



that Rampur Hari P.S. Case No. 73/2024 dated 28.03.2024 was instituted under various sections of IPC and most of the offences were bailable except Sections 325, 307 and 379 of the IPC. It is next submitted that from perusal of the allegation as alleged by Rajendra Rai in the aforesaid FIR, it would manifest that he alleges that the accused persons even abused and assaulted the instant informant but then the said allegations are general and omnibus in nature. It is further submitted that it appears that Rajendra Rai through the informant got the instant FIR instituted after a delay of 15 days only with a view to coerce the accused persons of Rampur Hari P.S. Case No. 73/2024 into submission. It is submitted that the instant appellant was also an accused in the case instituted by Rajendra Rai and was granted the privilege of anticipatory bail and thereafter again for the same occurrence, the instant FIR has been instituted, but with a little different version. It is next submitted that from perusal of the allegation as alleged in both the FIRs, it would manifest that the allegations are different which also casts an aspersion on the case of the prosecution that as to whether the occurrence in the nature as alleged in reality took place or not.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.



6. Considering the aforesaid facts, let the appellant above-named, in the event of his arrest or surrender before the learned trial trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

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