

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5016 of 2024

Arising Out of PS. Case No.-634 Year-2024 Thana- SONEPUR District- Saran

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1. Guddu Rai @ Guddu Kumar @ Guddu Ray Son of Sanjay Rai @ Sanjay Ray R/O Vill Rahimpur, P.S- Sonpur, Distt- Saran
 2. Sanjay Rai @ Sanjay Ray Son of Late Sita Ram Ray R/O Vill.- Rahimpur, P.S- Sonpur, Distt- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Kumar Chaudhary Son of Late Shatrudhan Chaudhary R/O Vill.- Rahimpur, P.S- Sonpur, Distt- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shakti Suman Kumar
For the State : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 23-12-2025 1. Heard learned Counsel for the appellants and learned Special Public Prosecutor for the State.
2. As per the order of this Court, the Special Public Prosecutor has informed the informant about this case. Despite information given by the Special Public Prosecutor to the informant/respondent no. 2, no one appears on behalf of the respondent no. 2.
3. An order, dated 09.09.2024, passed by learned Exclusive Special Judge, SC/ST, Saran, at Chapra, in A.B.P. No. 2862 of 2024, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste



and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Sonapur Police Station Case No. 634 of 2024, dated 23.07.2024, registered for the offences punishable under Sections 126(2)/115(2)/352/351(2)/3/3(5)/303(2) of the Bhartiya Nyaya Sanhita, 2023 and Section 3 (1) (r) (s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

4. The prosecution case, as per the First Information Report, is that on 22.07.2024, in the morning, at about 7 AM, while the informant was going to purchase house hold articles, the appellants, in intoxicated condition, abused the informant by taking his caste name and when objected by the informant, the appellants assaulted him.
5. Learned Counsel for the appellants submits that the appellants have falsely been implicated in this case due to personal enmity. He further submits that the informant has not sustained injury, which would be evident from the fact that the prosecution has failed to bring on record the injury report of the informant. He further submits that one day prior to lodging of the present First Information



Report, the appellant no. 1 has lodged Sonapur Police Station Case No. 626 of 2024 against the brother and son of the informant. He next submits that there is no allegation in the First Information Report that members of the public were present at the time when the occurrence took place. Both the parties are co-villagers and there was no intentional insult of the informant on the part of the appellant with intent to humiliate the member of the Scheduled Caste community.

6. Learned Counsel for the State opposes the prayer for anticipatory bail and submits that there is direct allegation against the appellants of taking the caste name of the informant in open public road.
7. Having regard to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are co-villagers, prior to lodging of the present First Information Report, the appellant no. 1 had lodged a case against the informant's brother and son and abuse in the caste name was not taken place in the full public view, I am inclined to grant the appellants privilege of anticipatory bail.
8. Accordingly, this appeal is allowed and the order, dated



09.09.2024, passed by learned Exclusive Special Judge, SC/ST, Saran, at Chapra, in A.B.P. No. 2862 of 2024, is set aside.

9. Let the appellants, above named, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Saran, at Chapra, in connection with Sonapur Police Station Case No. 634 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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