

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4932 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- SC/ST District- Sitamarhi

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1. Balbodh Rai S/O Upendra Rai Resident of Village- Basaha, Ward No.7, P.S- Bajpatti, distt.- Sitamarhi.
 2. Kamlesh Rai S/O Ramshrestha Rai Resident of Village- Basaha, Ward No.7, P.S- Bajpatti, distt.- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rubi Devi W/O Bishwanath Paswan R/O Village- Basaha, Ward No. 7, P.S- Bajpatti, Distt.- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Kant Singh, Advocate
	:	Mr. Jivesh Kumar, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 12-11-2025 Heard Mr. Jivesh Kumar, learned counsel for the appellants and learned Special Public Prosecutor representing the State.

2. The present appeal has been preferred against the order dated 03.09.2024 passed in SC/ST A.B.P. No. 28 of 2024/128 of 2024 by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi whereby and whereunder prayer for anticipatory bail of the appellants has been rejected who are apprehending their arrest in connection with Sitamarhi S.C./S.T. P.S. Case No. 21 of 2024 registered under Sections 341, 323, 385, 354(B), 379, 504, 506/34 of the



Indian Penal Code and Sections 3(1) (r) (s) (w) (i) (ii)/3(2)(va) of the SC/ST (Prevention of Atrocities) Act.

3. As per the prosecution story, the informant alleged that during the marriage of the brother-in-law (devar), when they were visiting the temple, Shivam Kumar and Ujala Kumar started making comments. Upon objection, allegation is that they took caste name and later all the accused persons threatening of dire consequences, outrage the modesty and also took away the ornaments worth Rs.10,00,000/- (Ten Lakhs), all this has been done on the behest of the appellants. This led to the F.I.R.

4. Earlier, the coordinate Bench issued notice to the respondent no.2 and as per the report of Superintendent of Police, Sitamarhi, the same has been validly served. There is no appearance from her side.

5. Learned counsel for the appellants submit that a perusal of the F.I.R. would show that main allegation is against Shivam Kumar and Ujala Kumar who made comments while the 'baraat' was visiting the temple.

6. Learned Special Public Prosecutor opposes the prayer.

7. Considering the submissions of the parties as also



that prima facie the Act is not attracted so far as these two appellants are concerned, they were not present at the place of occurrence, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. The order dated 03.09.2024 passed in SC/ST A.B.P. No. 28 of 2024/128 of 2024 by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Sitamarhi S.C./S.T. P.S. Case No. 21 of 2024 is set aside.

9. Cr. Appeal (SJ) No. 4932 of 2024 is allowed.

10. Let the appellant be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi, in connection with Sitamarhi S.C./S.T. P.S. Case No. 21 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the appellants who shall provide official document to show his/her bona fide;

(ii) the appellants shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the appellants shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the appellants shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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