

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4990 of 2023

Arising Out of PS. Case No.-527 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

1. Sudhir Kumar Son Of Late Lalit Ray Resident Of Village- Panapur Langa, Ps- Hajipur Sadar, Distt- Vaishali
2. Sunil Kumar Son Of Late Lalit Ray Resident Of Village- Panapur Langa, Ps- Hajipur Sadar, Distt- Vaishali
3. Arbind Kumar Son Of Bilash Ray Resident Of Village- Panapur Langa, Ps- Hajipur Sadar, Distt- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Soni Kumari Wife Of Raja Kumar Resident Of Village- Panapur Langa, Ps- Hajipur Sadar, Distt- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-11-2025 Despite valid service of notice, none appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 29.09.2023 passed by learned Exclusive Special Court (SC/ST Act), Vaishali at Hajipur in ABP No. 2486 of 2023 arising out of Hajipur Sadar P.S. Case No. 527 of 2023 registered under Sections 147, 148, 341, 323, 504, 506, 354, 427 of the Indian Penal Code and Section 3(1)(r)(s) of Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. As per F.I.R., co-accused Arun Ray, Ajit Kumar Rai and appellant no. 1 caught the informant, dragged her in the field and touched her private parts. Appellant nos. 2 & 3 are alleged to have assaulted and abused the informant by caste name.

5. Learned counsel for the appellants submits that specific accusation of misbehaving with the informant is against appellant no. 1. So far rest of the appellants are concerned, allegation against them is general and omnibus. F.I.R. has been lodged after inordinate delay of three days which itself raises doubt over veracity of the prosecution case. Insult was not caused to the informant solely on the basis of caste, as such, no case under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the specific accusation against appellant no. 1, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, which has been filed for grant of anticipatory bail, is hereby rejected



with regard to appellant no.1.

8. Considering the nature of accusation and other facts and circumstances of the case, let the appellant nos. 2 & 3, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on 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 Court (SC/ST Act), Vaishali at Hajipur in ABP No. 2486 of 2023 arising out of Hajipur Sadar P.S. Case No. 527 of 2023.

9. Accordingly, this criminal appeal is allowed with regard to appellant nos. 2 & 3 and impugned order dated 29.09.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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