

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5183 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- SC/ST District- Madhubani

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1. Mamta Devi Daughter of Bhul Jha @ Dev Narayan Jha Resident of Village - Bharatpatti, P.S - Kaluahi, District - Madhubani
 2. Bhul Jha @ Dev Narayan Jha Son of Late Jay Narayan Jha Resident of Village - Bharatpatti, P.S - Kaluahi, District - Madhubani
 3. Shyama Devi Wife of Bhul Jha @ Dev Narayan Jha Resident of Village - Bharatpatti, P.S - Kaluahi, District - Madhubani

... .. Appellants

Versus

1. The State of Bihar.
2. Baso Devi Wife of Late Deepak Malik Resident of Village - Bharatpatti, P.S - Kaluahi, District - Madhubani.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-05-2025 Despite valid service of notice, no one appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

3. This criminal appeal has been filed against the order dated 27.09.2024 passed by learned Additional Sessions Judge-I, Madhubani in ABP No. 1782 of 2024 in connection with Madhubani SC/ST P.S. Case No. 62 of 2024 dated 16.08.2024, instituted under Sections 191(2), 191(3), 126, 115(2), 303(2), 76, 333, 324(4), 334(1), 352, 351(2) of the BNS,



2023 and under Sections 3(i)(r)(s)(wi), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

4. Prosecution case, in brief, is that there was a Puja in the informant's house on 06.07.2024 and on that day the co-accused persons entered into the house of informant and abused her by caste name and took away Rs. 15,000/- cash and they also tried to disrobe her. It is further alleged that when Arti Devi and Bhagwati Devi came to save the informant they were also assaulted and their *mangalsutras* were snatched.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He further submits that the date of occurrence is on 06.07.2024 and the date of lodging of FIR is on 16.08.2024, after a delay of forty days without giving any explanation for the said delay. The allegation of assault is general and omnibus. There is no injury report on record to substantiate the claim of prosecution. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State



opposed the bail application.

7. Considering the aforesaid facts, let the appellants, 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 Additional Sessions Judge-I, Madhubani in connection with **Madhubani SC/ST P.S. Case No. 62 of 2024.**

8. Accordingly, this criminal appeal is allowed and impugned order dated 27.09.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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