

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5579 of 2023

Arising Out of PS. Case No.-190 Year-2023 Thana- AURAI District- Muzaffarpur

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1. Chameli Devi Wife of Bhola Rai Resident of Village- Ambedkar Nagar, P.S. - Aurai, District - Muzaffarpur.
 2. Bhola Rai Son of Chhote Rai Resident of Village- Ambedkar Nagar, P.S. - Aurai, District - Muzaffarpur.
 3. Hiralal Rai Son of Chhote Rai Resident of Village- Ambedkar Nagar, P.S. - Aurai, District - Muzaffarpur.
 4. Harendra Rai @ Harendra Kumar @ Harindar Kumar Son of Chhote Rai Resident of Village- Ambedkar Nagar, P.S. - Aurai, District - Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Samod Baitha Son of Parmeshwar Baitha Resident of Village- Ambedkar Nagar, Dharharwa, P.S. - Aurai, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar, Advocate
For the Resp.No.2	:	Mr. Alok Kumar Alok, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-06-2025 Heard Mr. Manoj Kumar, learned counsel for the appellants, Mr. Alok Kumar Alok, learned counsel for the Respondent No.2 as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 31.10.2023 passed by the learned Court of Special Judge, SC/ST (POA) Act, Muzaffarpur passed in A.B.P. No. 3604 of 2023 arising out of Aurai P.S. Case No. 190 of 2023, F.I.R. dated



10.08.2023 registered under Sections 147, 149, 341, 323, 354(B), 379, 504, 506 of the Indian Penal Code and Sections 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that the appellants along with other accused persons having *lathi, danda*, rod and sword in their hand arrived at his door and started abusing and assaulted him and when his wife came to rescue him, the accused persons abused her also and tried to outrage her modesty.

4. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. It appears from the FIR itself that the occurrence took place at the house of the informant which is not a public place, so no case is made out under SC/ST Act and apart from that there is no specific allegation of assault or overt act or abusing in the name of caste against the appellants rather the allegation levelled against the appellants are general and omnibus.

5. Learned Special Public Prosecutor for the State and learned counsel for Respondent No.2 have vehemently opposed



the prayer for bail of the appellants and submits that appellants nos.3 & 4 have clean antecedent and appellant nos.1 & 2 carries two criminal antecedents other than the present one in which they are on bail.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts and circumstances, there is no specific allegation of assault or overt act against the appellants and the occurrence took place at the house of the informant which is not a public place, so no case is made out under SC/ST Act, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Court of Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Aurai P.S. Case No. 190 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-



i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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