IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5645 of 2024

Arising Out of PS. Case No.-232 Year-2024 Thana- BALIYA District- Begusarai

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1 . Dheeraj Kumar S/O Chandrdev Pandit R/O Ward no.- 10, Bari Ballia, Dakshini,P.S - Ballia, Dist - Begusarai.

2. Nisha Kumari @ Nisha Devi W/O Dheeraj Kumar R/O Ward no.- 10, Bari Ballia, Dakshini,P.S - Ballia, Dist - Begusarai.

3 . Sonu Kumar S/O Anil Sharma R/O Ward no.- 10, Bari Ballia, Dakshini,P.S - Ballia, Dist - Begusarai.

... ... Appellant/s

Versus

1 . The State of Bihar

2. Raj Kumar Chaudhary S/O Late Jauhari CHAUDHARY R/O Ward no.- 03, Bari Ballia,P.S - Ballia, Dist - Begusarai.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Pritish Kumar Lal , Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

4 04-12-2025 Heard learned counsel for the parties. Despite valid service of notice , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 05.12.2024 passed in a case registered for the offence punishable under sections 115 (2), 109, 303 (2), 352, 351 (2), 351 (3) and 3 (5) of BNS and section 3(i) (r) (s) (w) of SC/ST (POA) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely,

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Raj Kumar Chaudhary alleged that on 18.07.2024 at about 04:00 Pm, when niece of informant namely Amrita Kumari was returning after shopping, all the F.I.R. named accused persons including these appellants misbehaved with niece of informant.and when informant along with his family members reached there , they were assaulted by accused persons. It is further alleged that accused persons also snatched gold chain from informant.

4. It is submitted on behalf of appellants that on petty dispute , a maarpeet took place between the parties in which both sides sustained injuries. Moreover, during pendency of the case , the matter has been compromised between both the parties and for the same , a compromise petition has been filed in the Court below . Rest of the allegations are ornamental in nature to make the case grave . It is submitted that the offence was not committed only on the ground that the informant was a member of Schedule caste and schedule tribes and as such, no case under SC / ST Act is made out against these appellants. Appellants claim clean antecedent.

5 . Learned special public prosecutor for the State opposed the bail.

6. Considering the aforesaid facts, clean antecedent of

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appellants and other circumstances of the case , this appeal is allowed with respect to appellants and the impugned order is set aside. Let the appellants named above , in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC / ST (POA) Act, Begusarai in connection with Ballia Police Station Case No. 232 of 2024 .

(Prabhat Kumar Singh, J)

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