

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5636 of 2024

Arising Out of PS. Case No.-499 Year-2024 Thana- BIDUPUR District- Vaishali

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1. Ram Balak Singh S/o Raj Kumar Singh R/o Vill. Gokhulpur Diara Ps.- Bidupur Dist. Vaishali
 2. Raju Singh S/o Ram Balak Singh R/o Vill. Gokhulpur Diara PS. - Bidupur Dist. Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi W/o Sanjit Paswan R/o Village - Gokhulpur Diara W. No. 11, PS - Bidupur Dist. - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Priyesh Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 12-11-2025 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 09.10.2024 in A.B.P. No. 2434 of 2025 passed by the learned Exclusive Special Judge SC/ST Act, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 499 of 2024 registered under Sections 126(2), 115(2), 76, 352, 351(2), 351(3) and 3(5) of the BNS, 2023 as well as Sections 3(1)(r),



3(1)(s), 3(1)(w)(i) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 22.08.2024, at 07:00 p.m., appellants along with Rabin Singh came at the door of the informant and started abusing by taking caste name. On protest, accused persons assaulted the informant with fists and slaps and Ram Balak acted inappropriately with her. It is further alleged that Raju and Rabin snatched two golden jityas of Rs.10,000/- and on the same day at 11:00 p.m. when the informant along with her husband were sleeping, Ram Balak Singh came along with 112 Patrolling Party and when the informant opened the door, accused Ram Balak Singh put some blank cartridges in the pocket of the informant's husband and her husband was arrested by the police with the help of the accused.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that it does not appear probable that the husband of the informant would have been arrested by the police in connivance of Ram Balak Singh. It is next submitted that even presuming what has been alleged is true without admitting that the entire occurrence is alleged to



have taken place at the house of the informant and, thus, was not in public view. It is also submitted that allegations are in two parts and in the first part, it is alleged that accused persons came, abused and assaulted by fists and slaps and acted inappropriately but then no FIR came to be instituted. It was only when the second part of the occurrence is alleged to have taken place, the instant FIR was instituted which casts an aspersion on the case of the prosecution.

5. Learned Special Public Prosecutor and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellants that the occurrence took place in two parts and when the occurrence of the first part was over, no case came to be instituted.

6. Considering the submissions made by the learned counsel appearing on behalf of the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of



the learned trial court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 482(2) of the BNSS.

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

(Satyavrat Verma, J)

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