

Arising Out of PS. Case No.-131 Year-2024 Thana- MOHIUDDIN NAGAR District-
Samastipur

- Appellant/s

1. The State of Bihar
2. Roshni Kumari W/O Dharmendra Kumar Resident Of Village- Bhasingpur,
PS- Mohiuddin Nagar, District -Samastipur (Bihar)

... .. Respondent/s

For the Appellant/s	:	Mr. Anuraj Singh
For the Respondent/s	:	Mr. Binay Krishna- Spl.P.P.
		Mr. Rani Shashi Bharti
		Mr. Bijay Bhushan Prasad

6 08-12-2025 1. Heard the learned counsel for the appellants, the
learned Special Public Prosecutor for the State and the learned
counsel appearing on behalf of the informant.

2. The appellants have challenged the order dated 29.08.2024 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Mohiuddin Nagar P. S. Case No. 131 of 2024, instituted for the offences under Sections 341,



342, 323, 324, 354(B), 354(A), 379, 448, 504, 506/34 of the Indian Penal Code and Section 3(1)(r),3(1)(s),3(1)(w),3(2),3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that appellant nos.1, 3 and 4 are persons with clean antecedent and appellant nos.2 and 5 have antecedent of one case and the informant alleges that on account of earlier dispute between the parties, the accused persons came to their house and ransacked their house in their absence, when informant along with her husband came to their house on 17.06.2024, they saw the household articles scattered. It is next alleged that thereafter at about 2.30 P.M., the accused persons including the appellants came at the informant's house and started abusing her husband by using caste words and also assaulted him by fists and feet and thereafter took him to the house of Lal Babu Rai and informant went to save her husband, the accused persons locked her along with her husband in a room and also assaulted them with stick and accused Prince and Kumud acted inappropriately with the informant and snatched gold chain from her neck. Further, to falsely implicate her



husband, the appellants handed him over to the police along with a country-made pistol and cartridge.

4. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of earlier dispute, the occurrence is alleged to have taken place, but then, the dispute which had arisen in between the informant's side and the appellant is not disclosed in the FIR. It is further submitted that even presuming what has been alleged is true without admitting, then the entire occurrence is alleged to have taken place at the house of the informant and thus was not in public view and the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses. It is next submitted that as far as allegation of taking the husband of the informant to the house of Lal Babu Rai is alleged, the same is exaggerated. It is further submitted that husband of the informant was arrested by the police, since he was carrying arms and cartridges and on account of that fact, the present false case came to be instituted with the aforesaid allegation.

5. The learned Special P.P. as well as the learned



counsel appearing on behalf of the informant opposes the appeal.

6. Regard being had to the aforesaid submissions, the order dated 29.08.2024 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Mohiuddin Nagar P. S. Case No. 131 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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