

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.763 of 2025

Arising Out of PS. Case No.-234 Year-2024 Thana- AWTARNAGAR District- Saran

1. Chandan Rai @ Chandan Kumar S/o Rambabu Rai R/o vill - Jhauwa, P.S.- Awatar Nagar, Distt.- Saran at Chapra
2. Ramesh Rai S/o Late Dhruplal Rai R/o vill - Jhauwa, P.S.- Awatar Nagar, Distt.- Saran at Chapra
3. Satyendra Rai @ Satyendra Ray S/o Virendra Rai @ Birendra Ray R/o vill - Jhauwa, P.S.- Awatar Nagar, Distt.- Saran at Chapra
4. Satish Rai @ Satish S/o Virendra Rai @ Birendra Ray R/o vill - Jhauwa, P.S.- Awatar Nagar, Distt.- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Subhawati Devi W/o Dhananjay Manjhi R/o vill - Jhauwa, P.S.- Awatar Nagar, Distt.- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Dewendra Narayan Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-04-2026 Heard learned counsel appearing for the appellants and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no body appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 20.11.2024 passed in a case registered for the offence punishable under Sections 126(2), 115, 117, 352, 351(2) and



3(5) of the B.N.S. and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

4. As per prosecution case, it is alleged that all the F.I.R. named accused persons, including these appellants, assaulted informant and others with *lathi*, *danda* and stones and also abused them by caste name.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, on the alleged date and time of occurrence, the cow and she goat of the informant grazed the crops cultivated in the field of these appellants and upon objection, the informant got furious and lodged this false and concocted case. Allegation of assault and abuse by caste name is general and omnibus and no specific accusation of overt act has been alleged against these appellants. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.



6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 20.11.2024 passed by the learned S.C./S.T. Exclusive Special Judge, Saran at Chapra in connection with A.B.P. No. 3766 of 2024 arising out of Awatar Nagar P.S. Case No. 234 of 2024 is hereby set aside with respect to these appellants only.

8. Accordingly, 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 learned S.C./S.T. Exclusive Special Judge, Saran at Chapra in connection with Awatar Nagar P.S. Case No. 234 of 2024.

(Prabhat Kumar Singh, J)

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