

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.748 of 2026

Arising Out of PS. Case No.-57 Year-2025 Thana- SC/ST District- Madhubani

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1. Ram Raut S/O Late Basudev Raut Resident of Village- Bhawanipur, P.S.- Sakari, District- Madhubani
 2. Sandeep Kumar Raut @ Sanjeev Kumar son of Ram Raut. Resident of Village- Bhawanipur, P.S.- Sakari, District- Madhubani
 3. Susheela Devi wife of Ram Raut. Resident of Village- Bhawanipur, P.S.- Sakari, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Ghushkee Devi Wife of Late Choudhary Saday Resident of Village- Bhawanipur, P.S.- Sakari, District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar Jha, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, SplPP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 17-07-2026

At the outset, learned counsel for the appellants submits that some factual errors have crept in paragraph no. 11 of the petition and prays to correct it.

02. Permission is accorded.

03. He is directed to make the necessary correction in in paragraph no. 11 of the petition, in course of the day.

04. Heard learned counsel for the appellants and learned Spl.PP for the State.

05. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)



Act, 1989 against order dated 17.01.2026 passed by the learned District and Additional Sessions Judge 1st-cum-Special Judge, Madhubani whereby and whereunder the prayer for grant of anticipatory bail of the appellant was rejected in connection with (Madhubani) SC/ST P.S. Case No. 57 of 2025, registered for the alleged offences under Sections 126(2), 115(2), 76, 351(2), 352, 3(5) of the BNS and Sections 3(1)(r)(s), 3 (1)(w) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (POA) Act.

06. As per the prosecution case, the appellant no. 1 grabbed the complainant/informant finding her alone and tried to sexually assault her. The complaint-informant/respondent no. 2 somehow saved herself. When the family members of respondent no. 2 went to the house of the appellants for making complaint, they abused them by taking their caste name. A panchayati was convened but the appellants did not attend the panchayati.

07. Learned counsel for the appellants submits that the appellants are innocent and they have been falsely implicated in this case. The appellant no. 1 has instituted a case for kidnapping of his daughter against one Rajesh Kumar son of Jibachh Choudhary vide Sakari P.S. Case No. 84 of 2024 under Section 363 and 366 of the IPC. This Complainant-informant/respondent no. 2 has been working as a domestic help in the house of Jibachh Choudhary and at his instance, she has lodged this false case in



order to pressurize the appellants not to pursue the case filed by them. Learned counsel further submits that the allegations are also not believable for the reason that the complainant-informant is herself aged about 56 year old and she has made appellant no. 1 who is aged about 56 years old accused along with his 22 years old son and his wife. The complaint petition has been filed after much delay as the occurrence is stated to have taken place on 10.04.2025 and date of complaint is stated to be 05.05.2025. There is no satisfactory explanation for the delay in lodging the complaint. Thereafter, the FIR was lodged on the basis of this complaint on 27.07.2025. Even on the facts of the case no offence under the provision of SC/ST(PoA) Act is made out against the appellants as no such occurrence is committed under public view or in public place. The appellants have clean antecedent.

08. Learned Spl.PP oppose the submission made on behalf of the learned counsel for the appellants. Despite service of notice, there is no representation on behalf of the respondent no. 2.

09. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation and further considering the lack of substantive material to make out a case under the provisions of SC/ST(PoA) Act, let the appellants above named, in the event of their arrest or surrender before the court concerned within a period



of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned District and Additional Sessions Judge 1st-cum-Special Judge, Madhubani concerned in connection with (Madhubani) SC/ST P.S. Case No. 57 of 2025, subject to the condition laid down under Section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the appellants.
- (ii) The appellants will remain present on each and every date fixed by the court below, if so required by the learned trial court.

10. Accordingly, the impugned order dated 17.01.2026 is set aside and the appeal stands allowed.

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	20.07.2026
Transmission Date	20.07.2026

