

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.844 of 2025**

Arising Out of PS. Case No.-3 Year-2018 Thana- SC/ST District- Patna

Nand Kishore Rai S/O Late Dineshwar Rai @ Dileshwar Rai R/O Mohalla-  
Badal Tola, Haldi Chapra, P.S- Maner, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anita Kumari D/O Sri Raj Kumar Ram R/O Mohalla- Maner Bazar, P.S-  
Maner, Distt.- Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                                           |
|----------------------|---|-----------------------------------------------------------------------------------------------------------|
| For the Appellant/s  | : | Mr. D.K. Sinha, Sr. Advocate<br>Mr. Alexander Ashok, Mr. Jawed Akhtar,<br>Mr. Anil Kumar Sinha, Advocates |
| For the Respondent/s | : | Mr. Binay Krishna, Spl. Public Prosecutor                                                                 |
| For the R.No. 2      | : | Mr. Pradhan Murli, Advocate                                                                               |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      12-03-2026                      Heard learned counsel for the appellant, respondent  
no. 2 and the State.

2. This appeal has been filed against the order dated 22.01.2025 passed by learned Exclusive Special Judge SC/ST Act, Civil Court, (Sadar) Patna in ABP No. 79 of 2025 arising out of SC/ST P.S. Case No. 03 of 2018, registered under Sections 147, 148, 149, 448, 341, 323, 324, 307, 379, 354(B), 504, 506 of the Indian Penal Code and Section 3(1)(r), 3(1)(g), 3(1)(p), 3(1)(w), 3(1)(z) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of appellant has been rejected.

3. As per F.I.R., on 10.01.2018 at about 11 AM, when informant was cooking food in her house, all the F.I.R. named accused persons, including this appellant, entered the house and assaulted her by means of knife, rod, sword as a result of which she sustained injuries. It is further alleged that when brother of the informant came to save her, he was also assaulted. The accused persons also snatched gold earrings, gold chain and a mobile phone and abused informant by caste name.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. As a matter of fact, appellant has falsely been implicated in this cases due to land dispute between the parties. Allegation of assault is general and omnibus and there is no allegation of any specific overt act against the appellant. Police after investigation submitted chargesheet against other accused persons whereas this appellant and co-accused Vishawajit Kumar have not been sent up for trial as they were not found guilty of the offences. Accordingly, learned Special Judge, SC/ST Act, Patna has taken cognizance against three persons namely, Avinash Kumar, Abhitabh Kumar and Kamal Kishore Rai under Sections 147, 148, 149, 448, 341, 323, 307, 324, 379, 504, 506 and 354B of



the Indian Penal Code and Sections 3(1) (r) (s) (g) (p) (w) (z) of the SC/ST Act and accepted final form, not sent up for trial against the appellant. However, during trial respondent no. 2 filed a petition under Section 319 Cr.P.C on 21.12.2023. It is not the case of informant that the alleged incident occurred within public view and as such, no case under SC/ST Act is made out against the appellant. Rest of the allegations are ornamental only to make the case grave.

5. Learned counsel for the respondent no. 2 vehemently opposed the bail application and submitted that injury caused by this appellant is grievous in nature.

6. Considering the nature of accusation and materials available on record, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST Act, Civil Court, (Sadar) Patna in ABP No. 79 of 2025 arising out of SC/ST P.S. Case No. 03 of 2018.

7. Accordingly, this criminal appeal is allowed and impugned order dated 22.01.2025 is set aside with respect to



this appellant only.

**(Prabhat Kumar Singh, J)**

Navya/-

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