

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1603 of 2023

Arising Out of PS. Case No.-203 Year-2020 Thana- RAMPUR District- Gaya

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1. Bimla Devi Wife Of Girja Prasad Resident Of Mohalla Bangali Colony, Gawal Bigha, P.S. - Rampur, District - Gaya
 2. Bhim Kumar @ Vijay Kumar Son Of Girja Prasad Resident Of Mohalla Bangali Colony, Gawal Bigha, P.S. - Rampur, District - Gaya
 3. Chhotu Kumar @ Vijay Kumar Son Of Girja Prasad Resident Of Mohalla Bangali Colony, Gawal Bigha, P.S. - Rampur, District - Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ajay Kumar Son Of Nathun Choudhary Resident Of Mohalla Bangali Colony, Gawal Bigha, P.S. - Rampur, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 09-04-2026 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State.

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 15.02.2023 in ABP No.35/2023, passed by the learned Exclusive Special Judge S.C./S.T. Court, Gaya in connection with Rampur P.S. Case No.203 dated 05.07.2020, registered for the offences punishable under Sections 341, 323,



504, 506, 34 of the Indian Penal Code as well as Sections 3(1)(r) (s) of the SC/ST Act.

3. Learned Special P.P. submits that in compliance of the order dated 13.07.2023, he had informed the concerned Superintendent of Police about the pendency of the instant appeal and to inform the informant that he should be present in the case on the next date fixed.

4. In view of the submissions made by the learned Special P.P., the notice is deemed to be validly served.

5. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and appellant no.1 is a woman and the informant alleges that accused persons including the appellants on 04.07.2020 at 4 P.M. came and abused by taking caste name and assaulted him since no one was in the house, further after sometime, his brother came, next alleges that accused persons five years back had assaulted his brother who lost his mental balance and are threatening that they will make him also loose his mental balance.

6. 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



allegation of abuse and assault is general and omnibus in nature. It is also submitted that even presuming what has been alleged is true without admitting then the entire occurrence took place at the house of the informant and that too in solitude, hence was not in public view.

7. Learned Special P.P. opposes the appeal.

8. Considering the submissions, let the appellants, above named, in the event of their arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

10. The office is directed to immediately send back the LCR.

(Satyavrat Verma, J)

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