

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1622 of 2025**

Arising Out of PS. Case No.-279 Year-2024 Thana- HARLAKHI District- Madhubani

Dharmendra Das S/o Devan Das R/o Village- Manoharpur, P.S.- Harlakhi,  
District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Slunaina Devi W/o Sushil Ram R/o Village- Harlakhi, P.S.- Manoharpur,  
District- Madhubani

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Ranjit Kumar Thakur, Advocate  
For the Respondent/s : Mr. Binay Krishna, Spl PP

**CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR**  
**ORAL ORDER**

3      13-02-2026                      Heard learned counsel for the appellant and learned  
  
Special Public Prosecutor appearing for the State. Although the  
notice has been validly served upon respondent No.2, there is no  
representation on his behalf.

2. This appeal under Section 14A(2) of the  
Scheduled Caste and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 has been directed against the order dated  
10.02.2025 passed by learned Additional Sessions Judge-1st-  
cum- Special Judge SC/ST Act, Madhubani, in A.B.P. No. 07 of  
2025 in connection with Harlakhi P.S. Case No. 279 of 2024,  
registered under Sections 126(2), 115(2), 352, 76, 3(5) of the  
B.N.S. read with Section 3(1)(r), 3(1)(s) of Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, the informant, namely, Sunaina Devi, alleged that Dharmendra Das (appellant) along with co-accused Amarnath Yadav, Santosh Mandal came to her house and started abusing her family members by taking caste name and threatened that they will not let them live in the village. It is further alleged that on 20.10.2024, at about 8:00 P.M., co-accused Amar Yadav came and started assaulting the informant and her family member Nirmla Devi. After hearing *hulla*, the nearby villagers came and saved both of them. It is also alleged that after one day of occurrence, all the accused persons came to the house of the informant and threatened her for dire consequences.

4. Learned counsel appearing for the appellant submits that the appellant bears clean antecedent and general and omnibus allegation has been levelled against all the accused persons including this appellant. It has further been submitted that there is a delay of four days in filing the present F.I.R., without giving any plausible reason for the same. He further submits that from a bare perusal of an F.I.R., the same appears



to be a concocted story. The specific allegation is levelled against the co-accused Amar Yadav. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is not committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act is made out against the appellant. Hence, the impugned order may be set aside and the appellant may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the entire facts and circumstances of the case and also the fact that the appellant bears clean antecedent coupled with the fact that the main thrust of allegation is against the co-accused Amar Yadav and the allegation does not come under the purview of SC/ST Act, let the above named appellant in the event of his arrest/surrender within a period of six weeks be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge-1st-cum- Special Judge SC/ST Act, Madhubani,  
in connection with Harlakhi P.S. Case No. 279 of 2024, subject  
to the conditions laid down under Section 482(2) of the  
B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the  
impugned order dated 10.02.2025 rejecting the prayer for grant  
of anticipatory bail to the appellant is, hereby, set aside.

**(Praveen Kumar, J)**

Jyoti/-

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