

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2009 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- SHAHPUR District- Patna

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1. Ramjee Singh @ Ramjee Prasad Singh SON OF Shyamala Singh VILLAGE- DEFENCE COLONY, PS- SHAHPUR, DIST- PATNA
 2. Kundal Singh @ Kundan Singh @ Kundan Kumar Singh Son Of Late Shivjee Singh Village- Defence Colony, Ps- Shahpur, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. KIRAN KUMARI WIFE OF RAVINDRA KUMAR RAM VILLAGE- DEFENCE COLONY, PS- SHAHPUR, DIST- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 12-02-2026 Heard learned counsel for the appellants 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 Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 01.04.2024 passed by learned Special Judge, SC/ST (PoA) Act, Patna, in ABP no. 945 of 2024 in connection with Shahpur P.S. Case No. 66 of 2024 registered under Sections 341, 504, 506 and 34 of the Indian Penal Code read with Sections 3(1)(r)(s) of



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, the informant alleged that the appellants and co-accused persons along with some unknown persons forcibly entered the house of the informant, when the informant's brother intervened they started assaulting her brother and also abused by taking caste name and threatened to kill. Thereafter, nearby people came and saved them.

4. Learned counsel for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. It is further submitted that there is a delay of thirteen days in lodging the FIR. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against all the appellants. Learned counsel has further submitted that no particular caste name has been called by the appellants, hence no case is made out under section SC/ST Act. It is further submitted that there is no specific allegation of assault against the appellants. Hence, the impugned order may be set aside and the appellants 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 appellants and submitted that the appellants are actively involved in the present occurrence.

6. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent coupled with the fact that there is delay in lodging the FIR, let the above named appellants, in the event of their arrest/surrender within a period of six weeks, be released 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 Special Judge, SC/ST (PoA) Act, Patna, in connection with Shahpur P.S. Case No. 66 of 2024 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 01.04.2024 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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