

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1763 of 2025

Arising Out of PS. Case No.-518 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Raushan Kumar son of Ajay Choudhary Resident of village- Kajichak Dharampur, Ward No 6, PS- Muffasil Samastipur, District -Samastipur
 2. Alok Kumar @ Dinanath Choudhary son of Ajay Choudhary Resident of village- Kajichak Dharampur, Ward No 6, PS- Muffasil Samastipur, District -Samastipur
 3. Kamini Devi wife of Jagarnath Choudhary Resident of village- Kajichak Dharampur, Ward No 6, PS- Muffasil Samastipur, District -Samastipur
 4. Jagarnath Choudhary son of Late Ram Balak Choudhary Resident of village- Kajichak Dharampur, Ward No 6, PS- Muffasil Samastipur, District -Samastipur
 5. Pramila Devi wife of Ajay Choudhary Resident of village- Kajichak Dharampur, Ward No 6, PS- Muffasil Samastipur, District -Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramchandra Das son of Late Ramchritra Das Resident of village- Kajichak Dharampur, Ward No 6, PS- Muffasil Samastipur, District -Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhay Shanker Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 20-07-2026 1. Heard learned counsel for the appellants and learned Special P.P. for the State, Mr. Binay Krishna.
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 18.02.2025 in A.B.P. No. 3575 of 2024 passed by



the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Muffasil P.S. Case No. 518 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 352, 74, 351(2), 109, 303(2), 3(5) of the BNS, 2023 and under Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that notices on behalf of the informant was received by his son, as such, jointness application has been filed, it is next submitted that since jointness application has been filed, as such, the notice is deemed to be validly served, it is further submitted that informant despite receiving notice chooses not to appear and contest. it is next submitted that Appellant No. 1 was arrested during the pendency of the instant appeal, as such, his appeal was withdrawn, it is next submitted that Appellant No. 2 and 5 have antecedent of three cases, Appellant No. 3 has antecedent of one case, Appellant No. 4 has antecedent of six cases and Appellant No. 5 has antecedent of three cases, but then all cases have been instituted either by the informant or his side, it is also submitted that in all the cases police after investigation submitted final form except SC/ST PS Case No. 237 of 2015.



4. Learned counsel for the appellants next submits that informant alleges that he along with his son (Vijay) reached near Brahmasthan on 05.12.2024 when 13 named accused persons including the appellants started abusing them by taking caste name and threatened to withdraw SC/ST PS Case No. 85/24, on objection, Raushan and Jagarnath along with others assaulted by lathi, further they acted inappropriately with his wife, daughter-in-law and also assaulted them along with Vijay, Ranjay and Prince (minor), further villagers gathered, but accused persons on point of pistol looted Rs. 50,000/- from his son and Pramila snatched chain of his daughter-in-law, it is further submitted that at 06:30 PM on the same day Jagarnath came and assaulted repeatedly causing fracture of informant's leg and Raushan along with Dinanath assaulted Ranjay causing injury on head, the occurrence got captured in CCTV and accused have criminal antecedents.

4. Learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant, it is next submitted that informant is a litigant and keeps instituting criminal cases against the appellants and his side, it is also submitted that when police submitted final form, a criminal case came to be



instituted against the Deputy SP, SHO and the Investigating Officer of the cases, it is further submitted that at Para 12 of the appeal, it is specifically pleaded that informant belongs to Tatma caste and Tatma caste does not come in the Scheduled Castes or Schedule Tribes category, it is also submitted that Tatma for some period were considered Scheduled Caste, but after issuance of presidential notification under Article 341 of the Constitution of India the Tatma caste was removed from the list of Scheduled Caste prior to institution of the instant FIR, it is further submitted that from perusal of the injury report of the injured annexed as Annexure- 3 series to the appeal, it would manifest that the same belies the allegation of assault as alleged in the FIR, as informant and his daughter-in-law did not suffer any injury and the injury suffered by his son is opined to be simple in nature. It is next submitted that since informant does not belong to SC category, as such, despite receiving notice chooses not to appear and contest.

5. Learned Special P.P. for the State opposes the appeal.

6. Considering the submissions made by the learned counsel for the appellants, the order dated 18.02.2025 **is hereby set aside** and the appellants above-named, in the event



of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Muffasil P.S. Case No. 518 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

Nitesh/-

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