

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2442 of 2025**

Arising Out of PS. Case No.-116 Year-2025 Thana- RUNISAIDPUR District- Sitamarhi

Rakesh Singh @ Rakesh Prasad Singh Son of Late Rameshwar Singh Village-
Athri Ward No 02 Athri P.s -Runnisaidpur District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Renu Devi Wife of Rupesh Kumar Village- Athri, P.s -Runnisaidpur District-
Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Thakur, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

5 31-03-2026 1. Heard learned counsel for the appellant Sri Ajay Thakur, learned Special P.P. Mr. Sadanand Paswan and the learned counsel appearing on behalf of the informant.

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 14.05.2025 in A.B.P. No. 16/2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Sitamarhi in connection with Runnisaidpur P.S. Case No. 116/2025, registered under Sections 126(2), 115(2), 117, 109(1), 303(2), 352 and 3(5) of the BNS, 2023 as



well as Sections 3(1)(r), 3(1)(s) of the SC/ST (POA) Act.

3. Learned counsel for the appellant submits that appellant has antecedent of one case and the informant alleges that on 15.03.2025 at 6.30 P.M., 13 named accused persons including the appellant came to her house and appellant said that her brother had instituted a case under SC/ST Act and is not willing to compromise despite request and abused by taking caste name, further on order of Chandeshwar, appellant dashed her on the ground and assaulted by rod causing fracture of left hand and Kundan fled with a box containing Rs.50,000/-, sari and ear-ring, on alarm her husband came, when all the accused assaulted him causing fracture of leg and hand and on account of which he became unconscious and accused left threatening not to institute a case.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 15.03.2025 and the FIR came to be instituted on 20.03.2025 i.e. after a delay of five days without any plausible explanation of delay. It is also submitted that it does not appear probable that had what has been alleged in the FIR if had been true, in that event, the fardbeyan of the informant would have been recorded



by the police in the hospital or if the police did no record the fardbeyan of the informant in the hospital, in that event, any family member of the informant could have informed the police about the occurrence. It is also submitted that appellant had a shop in the area, where the informant and her husband resides and there was a theft in the shop for which Runnisaidpur P.S. Case No.441/2023 was instituted against unknown and subsequently it transpired that the informant and her family members involved in the occurrence. It is further submitted that Runnisaidpur P.S. Case No.75/2025 dated 17.02.2025 was instituted by employee of the appellant against the informant husband and her brother alleging that they had dashed him by a car. It is further submitted that from perusal of the injury report, it would manifest that injury suffered by the informant on forearm i.e. swelling has been opined to be grievous and rest of the injuries have been opined to be simple in nature. It is thus submitted that it does not appear probable that had 13 persons assaulted the informant in that event only one injury would have been opined to be grievous though it is fairly submitted that appellant is alleged to have assaulted the informant by rod causing injury on hand but then it is submitted that at Para-4, the re-statement of the victim was recorded, wherein she has stated



that all the accused assaulted her and has not specifically named the appellant. It is also submitted that since a dispute is brewing in between the parties from before, as such the present false case came to be instituted implicating number of accused persons including the family members of the appellant. It is also submitted that even presuming what has been alleged is true without admitting then the entire occurrence took place in the house of the informant, as such, was not in public view, hence rigors of Section 18 shall not apply.

5. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the informant opposes the appeal. Learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that the FIR was instituted after a delay of five days without any plausible explanation of delay and that informant in her re-statement recorded at Para-4 of the case diary has not specifically named the appellant alleging that he assaulted her.

6. After hearing the learned counsel for the parties, the order impugned is set aside. Let the appellant, above named, in the event of his 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 482(2) of the BNSS.

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

(Satyavrat Verma, J)

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