

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2627 of 2025

Arising Out of PS. Case No.-17 Year-2025 Thana- SC/ST District- Vaishali

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1. Jai Sharma @ Jai Kumar Sharma S/o- Late Ram Ishwar Sharma Village- Akbar Malahi Ps- Sarai Dist- Vaishali
 2. Subodh Sharma @ Subodh Kumar S/o- Late Ram Ishwar Sharma Village- Akbar Malahi Ps- Sarai Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangita Devi W/o- Rakesh Ram Village- Akbar Malahi Ps- Sarai Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Prabhat, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Spl.PP
For the Respondent No.2:	:	Mr. Ravish Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 26-02-2026 Heard learned counsel for the appellants, learned counsel for the respondent No.2 and learned Special Public Prosecutor appearing for the State.

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 17.06.2025 passed by learned Exclusive Special Judge, SC/ST, Vaishali at Hajipur, in A.B.P. No. 1085/2025 arising out of Hajipur SC/ST P.S. Case No. 17 of 2025 registered under Sections 115, 351(2), 303(2), 74 and 3(5) of B.N.S. and Sections 3(1)(r)(s)(w)(i)/ 3(2)(va) 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 on 09.03.2025 at about 02:00 PM, while she was working at her shop, in the meantime, the appellants came and allegedly demanded a hen from her as extortion. On being opposed by the informant, the appellants abused by taking caste name. It is further alleged that appellant no.2 caught hold of her hair, while appellant no.1 assaulted and snatched her gold chain worth of Rs. 25,000/- and both the appellants attempted to commit rape upon her taking advantage of the fact that she was alone at the time.

4. Learned counsel for the appellants submits that the appellants are innocent and have not committed any offence. He further submits that the appellants have one criminal antecedent as stated in para-3 of this appeal. It has been further submitted that there is delay of four days in lodging the present FIR and in fact there was dispute between the parties on the point of purchase of certain articles and there has been an exaggerated version of the occurrence. Moreover, no ingredients of Section 74 of B.N.S. has been satisfied so as to attract the penal provision of the said section and Section 303(2) of B.N.S.



appears to be ornamental in nature. It is also submitted that as regards the allegation of abuse by caste name is concerned, it does not appear to be in a public place as none of the persons have been disclosed before whom the alleged abuse was made as the alleged occurrence took place. 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 and learned counsel for respondent no.2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that a poor lady has been subjected to harassment by the appellants.

6. Considering the entire facts and circumstances of the case and also the fact that there is delay in lodging the FIR and no abuse appears to be taken within the public view, 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 Exclusive Special Judge, SC/ST, Vaishali at Hajipur, in connection with Hajipur SC/ST P.S. Case No. 17 of 2025 subject to the conditions laid down under Section 482(2) of the B.N.S.S.



7. Accordingly, this appeal is allowed and the impugned order dated 17.06.2025 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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