

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2748 of 2025

Arising Out of PS. Case No.-16 Year-2024 Thana- BARAHRI District- Rohtas

Manoj Rai @ Manoj Kumar Rai S/o- Late Baital Rai Village- Akwania PS-
Badhari District- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Puja Kumari W/o- Manish Paswan Village- Akwania Ps- Badhari Dist-
Rohtas

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Ashwani Kumar Tiwary, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-07-2026 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 25.06.2025 passed in a case registered for the offence
punishable under Sections 126(2), 115(2), 352, 351(2) and
303(1) of the B.N.S. and Section 3(2)(r)(s)(r) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for grant of anticipatory bail of this
appellant has been rejected.



4. As per prosecution case, it is alleged that on 07.11.2024, all the F.I.R. named accused persons, including this appellant, assaulted informant and her family members and abused them with caste based slurs. It is further alleged that the accused persons snatched gold chain from brother of informant.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, on the eve of *Chhath Puja*, on petty dispute over bursting fire crackers, scuffle took place between the parties in which both sides sustained injuries. There is case and counter-case. Allegation of assault is general and omnibus and no specific accusation of overt act has been levelled against this appellant. Rest of the allegations are ornamental in order to make the case grave. It is lastly submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant.

6. Learned Spl. P.P. appearing for the respondent-State has vehemently opposed the prayer for grant of bail to the appellant.

7. Considering the facts and circumstances of the



case, general and omnibus nature of accusation and case and counter-case between the parties, this appeal is allowed and the impugned order dated 25.06.2025 passed by the learned D.A.S.J.-XVII-cum-Exclusive Special Judge, S.C./S.T. (POA) Act, Rohtas at Sasaram in connection with Badhari (Barhari) P.S. Case No. 16 of 2024 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned D.A.S.J.-XVII-cum-Exclusive Special Judge, S.C./S.T. (POA) Act, Rohtas at Sasaram in connection with Badhari (Barhari) P.S. Case No. 16 of 2024.

(Prabhat Kumar Singh, J)

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