

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3101 of 2025

Arising Out of PS. Case No.-229 Year-2025 Thana- GARKHA District- Saran

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1. Harendra Rai @ Harindra Ray S/O JODHA RAI R/O Vill.- Uttarwari Kadana, P.S.- Garkha, Dist.- Saran.
 2. SUCHINDRA RAI @ SOCHINDRA RAI S/O LATE YODHA RAI R/O Vill.- Uttarwari Kadana, P.S.- Garkha, Dist.- Saran.
 3. ABHISHEK KUMAR S/O HARENDRA RAI @ HARINDRA RAY R/O Vill.- Uttarwari Kadana, P.S.- Garkha, Dist.- Saran.
 4. AJEET KUMAR S/O HARENDRA RAI @ HARINDRA RAY R/O Vill.- Uttarwari Kadana, P.S.- Garkha, Dist.- Saran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Champa Devi W/O Umesh Manjhi R/O Vill.- Uttarwari Kadana, P.S.- Garkha, Dist.- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dhananjay Kumar Tiwary
For the Respondent/s	:	Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 04-05-2026 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Ms Usha Kumari No. 1.

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 24-6-2025 in A.B.P. No. 1749 of 2025 passed by the learned Special Judge S.C./S.T. (POA) Act, Chhapra, Saran in connection with Garkha P.S. Case No. 229 of 2025 registered



for the offences punishable under Sections 126(2), 115(2), 118(2), 329 and 3(5) of the BNS as well as Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned Spl. PP submits that on behalf of the informant, name of four learned lawyers is appearing in the cause-list, but then no one is present.

4. Learned counsel for the appellants submits that the case was referred for mediation by a learned Co-ordinate Bench, but then the mediation failed. It is next submitted that appellants are persons with clean antecedent and the informant alleges that on 30-3-2025 at 2 pm, her daughter was sleeping in the house and her son went out of the house, when Harendra said that accused persons are abusing him, hence her son saw inside the flour mill and saw accused persons drinking, who abused him by taking caste name, on which a fight ensued, thereafter Harendra, Suchindra, Ajit, Abhishek along with five unknown accused assaulted her son and entered the house and Harendra assaulted her daughter by tangi causing injury on leg, thereafter police was informed and the police came and asked the informant to first get the injured treated and thereafter to institute an FIR.

5. Learned counsel for the appellants submits that the



appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that informant alleges that Harendra disclosed to her son that accused persons were abusing him, accordingly he went near the flour mill, where the accused persons abused him by taking caste name and were drinking but then the allegation of abuse is general and omnibus in nature and the case has not been instituted under the Excise Act. It is further submitted that as far as allegation of assault is alleged, the same is general and omnibus in nature though informant alleges that appellant no. 1 entered her house and assaulted her daughter, who was sleeping, by tangi causing injury on leg.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants and submits that the specific allegation of assaulting the daughter of the informant by tangi is against the appellant no. 1. It is also submitted that if there was any dispute in between the son of the informant and accused persons, they could have settled the same outside the house, but then there is no occasion for the appellant no. 1 to enter the house and assault the daughter of the informant, who was sleeping.



7. After hearing the learned counsel for the parties, let the appellant nos. 2, 3 and 4 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 the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. However, the Court is not inclined to extend the privilege of anticipatory bail to the appellant no. 1 (Harendra Rai @ Harindra Ray).

9. Accordingly, the impugned order is set aside with respect to appellant nos. 2, 3 and 4 and the appeal stands partly allowed.

(Satyavrat Verma, J)

Sumit/-

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