

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3517 of 2025

Arising Out of PS. Case No.-732 Year-2024 Thana- DARIYAPUR District- Saran

1. Arjun Rai, S/O Late Bhagwan Rai R/o village- Harpur, P.s.- Dariyapur, District- Saran
2. Kabutari Devi, W/O Arjun Rai R/o village - Harpur, P.s.- Dariyapur, District- Saran
3. Pawan Kumar, S/O Arjun Rai R/o village - Harpur, P.s.- Dariyapur, District- Saran
4. Shambhu Rai, S/O late Kuldeep Rai R/o village - Harpur, P.s.- Dariyapur, District- Saran
5. Nitish Kumar @ Nitish @ Sanu Kumar @ Ranu Kumar, S/O Shambhu Rai R/o village - Harpur, P.s.- Dariyapur, District- Saran
6. Brajesh Kumar @ Brajes Kumar, S/O Shambhu Rai R/o village - Harpur, P.s.- Dariyapur, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Shashikant Kumar, S/O Shashibhushan Ram R/o village - Harpur, P.s.- Dariyapur, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Prakash, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For the Respondent No.2:	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 20-05-2026 Heard learned counsel for the appellants, learned counsel and learned Special Public Prosecutor for the State through virtual mode.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 against the rejection of prayer for anticipatory bail vide order dated 09.05.2025 passed by the learned SC/ST Exclusive Special Judge, Saran at Chapra, in A.B.A. No. 1385 of 2025 in connection with Dariyapur P.S. Case No.732 of 2024 registered for the offence/s punishable under Sections 126(2), 115(2), 118, 303(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Section 3(1)(r)(s)/3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, the informant has alleged that he had gone to the shop and at the same time, the named accused persons, including the appellants, were present at the shop and thereafter, they all started abusing him using their caste name and all of them started assaulting the informant with sticks, rods and weapons with an intention to kill him. It is alleged that appellant Arjun Rai has assaulted with an iron rod on the left hand and all the accused persons started assaulting the informant with kicks and punches. It is also alleged that they even looted the shop and taken away Rs.10,000/- from the locker.

4. Learned counsel for the appellants submits that the entire family of the appellants has been implicated in a false and



concocted case. It has further been submitted that it was on account of same persons dispute that the present case has been lodged and the entire story is concocted and no such occurrence as alleged had occurred. It has been pointed out that the informant and the other family members are in a habit of lodging false cases against the villagers and three such cases have been brought on record, wherein one Dariyapur P.S. Case No. 833 of 2023 was lodged by the mother of the present informant for the offences under the SC/ST Act and one case was lodged by one Ramesh Ram at the instance of the informant, being Dariyapur P.S. Case No.681 of 2024 again for the offences under the SC/ST Act and also one case was filed by Ramesh Ram against one Vishal Kumar for the offences under the SC/ST Act, being Dariyapur P.S. Case No.73 of 2024 and moreover, one case was lodged by one Lalan Kumar, being Dariyapur P.S. Case No.628 of 2023 for the offences alleged under the SC/ST Act. It has, thus, been submitted that informant is in a habit of misusing the provisions of the SC/ST Act and lodging false and concocted case and such fact has been corroborated by the fact that no injury report has been brought on record to show that the informant and others had received any injury. It has lastly been submitted that even from the



averments made in the FIR, it is not clear as to whether the shop was in the market or was at any house and whether the said occurrence had occurred in presence of public.

5. Learned counsel for the respondent no.2 as well as learned Spl. P.P. for the State have vehemently opposed the anticipatory bail application of the appellants and have stated that there is a specific allegation against the appellants of abusing the informant by taking his caste name and therefore, they should not be released on bail. It has further been submitted that there is a specific allegation of assault on the appellants.

6. In view of the aforesaid facts and circumstances of the case and taking into account of the fact that the presence of the appellants at the shop in the presence of the public is not being satisfied from the perusal of the FIR and moreover from the conduct of the informant, it seems that several other cases of a similar nature have been filed against other persons and taking into account the fact that the appellants have clean criminal antecedents, the impugned order dated 09.05.2025 passed by the learned SC/ST Exclusive Special Judge, Saran at Chapra, in A.B.A. No. 1385 of 2025 in connection with Dariyapur P.S. Case No.732 of 2024, is set aside against the appellant.

7. The criminal appeal is allowed.



8. Considering the aforesaid submission, facts and circumstances of the case, let the appellant above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Dariyapur P.S. Case No.732 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the appellants shall be their close relative and the other shall be the local resident.
- (ii) The appellants shall in no manner threaten or try to contact or influence the informant.
- (iii) The learned Court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.



9. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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