

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3744 of 2025

Arising Out of PS. Case No.-399 Year-2024 Thana- SULTANGANJ District- Bhagalpur

Prabhash Tanti S/o- Upendra Tanti Resident of village- Mirhatti, P.s.-
Sultanguj, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Devi W/o- Vijay Das Resident of village- Mirhatti, P.s.- Sultanguj,
District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Swapnil Kumar Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 29-07-2026 1. Heard learned counsel for the appellant and learned
Special P.P., Mr. Sadanand Paswan for the State.

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 17.05.2025 in A.B.P. No. 994 of 2025 passed by the
learned District and Additional Sessions-III cum Special Judge
S.C./S.T. (POA) Act, Bhagalpur in connection with Sultanguj
P.S. Case No. 399 of 2024 registered for the offences punishable
under Sections 126(2), 127(2), 333, 115(2), 303(2), 74, 352,
351(2), 351(3), 79 and 3(5) of the BNS as well as Sections 3(1)



(r) of the SC/ST Act.

3. In view of the grounds taken in the limitation application delay of 9 days in filing the appeal is condoned, as such, I.A. No. 1 of 2025 is allowed.

4. From perusal of the office report, it would manifest that the notice has been validly served, but then the informant despite receiving notice chooses not to appear and contest.

5. It is next submitted that appellant is a person with clean antecedent and the informant alleges that she along with her daughter-in-law on 21.08.2024 at 7:00 PM had gone to the shop for purchasing milk, when named accused persons excluding the appellant abused them by taking caste name, thereafter she came back home and disclosed about the occurrence to her husband and son, further on 24.08.2024, appellant along with other accused persons came and entered her house and assaulted her husband, son and daughter-in-law and snatched her chain.

6. Learned counsel for the appellant submits that appellant has 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 allegation is in two parts. It is next submitted that in the first



part, it is alleged that the accused persons abused her and her daughter-in-law when they had gone to the shop for purchasing milk, but then appellant was not present at the place of occurrence and in the second part, it is alleged that appellant along with other accused came and entered her house and assaulted the family members. It is further submitted that allegation of assault is not specific and even presuming what has been alleged is true without admitting then the entire occurrence took place at the house of the informant, hence was not in public view and this perhaps explains why the informant despite receiving notice chooses not to appear and contest.

7. Learned Special P.P. for the State opposes the appeal.

8. In view of the submissions made by the learned counsel for the appellant, the order dated 17.05.2025 **is hereby set aside** and the appellant above-named, in the event of his 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) 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 Sultangunj P.S. Case No. 399 of 2024 subject to the conditions



as laid down under Section 482 (2) of the BNSS.

9. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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