

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4741 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- SC/ST District- Samastipur

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1. Poonam Devi Wife of Udgar Rai Resident of Village- Gondhsisia ward no 5, PS- Vidhyapati Nagar, Distt.- Samastipur
 2. Nitish Kumar Son of Udgar RAi Resident of Village- Gondhsisia ward no 5, PS- Vidhyapati Nagar, Distt.- Samastipur
 3. Manjeet Kumar Son of Ram Pukar Rai Resident of Village- Gondhsisia ward no 5, PS- Vidhyapati Nagar, Distt.- Samastipur
 4. Ranjeet Kumar Son of Ram Pukar Rai Resident of Village- Gondhsisia ward no 5, PS- Vidhyapati Nagar, Distt.- Samastipur
 5. Sanjeet Kumar Son of Ram Pukar Rai Resident of Village- Gondhsisia ward no 5, PS- Vidhyapati Nagar, Distt.- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Pinki Devi Wife of Nagendra Ram Resident of Village- Godhsisia ward no 5, PS- Vidhyapati Nagar, Distt.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kunwar Narayan Jamuar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Amit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-04-2026 Heard learned counsel for the appellants, respondent
no. 2 and the State.

2. This appeal has been filed against the order dated 12.09.2024 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Samastipur in ABP No. 2437 of 2024 arising out of Samastipur SC/ST P.S. Case No. 90 of 2024 registered under Sections 126(2), 115, 303(2), 76, 352, 3(5) of the Bharatiya Nyaya Sanhita and Section 3(1)(r)(s)(w), 3(2)(va) of Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. Prosecution case, in brief, is that on 03.08.2024 at about 8 PM, when informant was at her house, all the F.I.R. named accused persons, including these appellants, came at her house, abused her by caste name and called her witch. Upon protest, all the accused persons assaulted her by means of fists, feet and sticks and appellant no. 2 snatched her mobile phone.

4. Learned counsel for the appellants submits that appellants are innocent. As a matter of fact, informant's cattle destroyed paddy crop of the appellants and when they went to complain about the same, appellants were brutally assaulted by informant and others for which Vidyapatnagar P. S. Case No. 110 of 2024 was lodged by appellants' side against informant and others for the aforesaid incident. The present case with false allegation has been lodged only to save their skin from the aforesaid case. Allegation of assault is general and omnibus and there is no allegation of any specific overt act against the appellants. He further submits that the alleged incident took place inside the house of informant and not within the public view, as such, no case under SC/ST Act is made out against the



appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the nature of accusation and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds 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 (POA) Act, Samastipur in ABP No. 2437 of 2024 arising out of Samastipur SC/ST P.S. Case No. 90 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 12.09.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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