

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4653 of 2025

Arising Out of PS. Case No.-291 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

Chhotu Rai @ Priyanshu Rai S/o- Ram Jee Rai R/v- Arjunpur Ps- Buxar
Industrial Dist- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Poonam Devi W/o- Lalbabu Ram R/v- Arjunpur Ps- Industrial Area Buxar,
Dist- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Shankar Pathak, Advocate
For the Respondent/s : Mrs. Usha Kumari I, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 09-07-2026 Despite of valid service of notice upon Respondent

No. 2/Informant, no one appears on behalf of Respondent No. 2.

2. Heard Mr. Bimlesh Kumar Pandey, learned counsel for the appellant as well as Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

3. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 10.11.2025 in A.B.P. No. 1217 of 2025 passed by the learned District & Additional Sessions Judge 1st cum Special Judge, SC/ST (P.O.A.) Act, Buxar in connection with Buxar (I) P.S. Case No. 291 of 2023 registered under Sections 147, 149,



448, 342, 365, 354(B), 427, 379, 504, 506, 335 of the Indian Penal Code and Sections 3(i)(r)(s)(wi) and 3(2)(iv)(va) of SC/ST (Prevention of Atrocities) Act.

4. Allegation against the appellant is that he along with other co-accused persons abused, humiliated and assaulted the informant by using his caste name.

5. Learned counsel for the appellant submits that the appellant has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. Although the appellant is named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt attributed against the appellant and it transpired from the F.I.R. that the occurrence had taken place at the house of Respondent No. 2 (informant) and the same is not the public place, so no case is made out under the SC/ST Act.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the appellant and submits that the appellant has participated in the present crime in question.

7. After hearing the parties, in my view for the



purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and the fact that the appellant having clean antecedent and there is no specific allegation of any assault or overt act attributed against the appellant and the incident took place in the house of Respondent no. 2 (informant) and this is not the public place, so no case is made out under the SC/St Act, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge 1st cum Special Judge, SC/ST (P.O.A.) Act, Buxar in connection with Buxar (I) P.S. Case No. 291 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 along with other following conditions :-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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. Accordingly, the impugned order dated 10.11.2025 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

