

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4942 of 2025

Arising Out of PS. Case No.-429 Year-2025 Thana- KATEYA District- Gopalganj

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1. Durgesh Ojha S/O Nandkishore Ojha R/O Village- Gaura, PS- Kateya, District- Gopalganj
 2. Nandkishore Ojha S/O Late Kapildeo Ojha R/O Village- Gaura, PS- Kateya, District- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Punam Devi W/O Dharmnath Prasad R/O Village- Gaura, PS- Kateya, District- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vyas Kumar Mishra, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

4 17-07-2026 Heard the learned counsel for the appellants and the learned Spl. P.P. appearing on behalf of the State.

2. From the office note it appears that the notices issued to the opposite party/respondent no.2 vide order dated 17.02.2026 has been validly served through registered post, despite that none appears for the opposite party/respondent.

3. That the present appeal has been filed for setting aside the order dated 08.09.2025 passed by the learned Additional Sessions Judge XI -cum- Exclusive Special Judge, SC/ST Act, in relation to Kateya P.S. Case No. 429 of 2025 registered under Sections 126(2), 115(2), 303(2), 76, 3(5) of the B.N.S., & Section 3(1)(s), 3(1)(r) and 3(2) (va) of the Scheduled



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

4. As per the prosecution story, which has been lodged on the basis of the fardbeyan given by informant before police to the effect that on 28.06.2025, she went to ask for her motorcycle from the appellants and one another accused persons named in FIR, then she was abused by taking name of her caste and was also assaulted. It has been alleged that co-accused Dipak Ojha tore her clothes and during course of assault, the appellant no. 2 took out a golden mangal sutra from her neck. It has further been alleged that on 11.05.2025 both the appellants as well as the co-accused Dipak Ojha had assaulted her husband and snatched his motorcycle, for which a panchayati was also held and therefore she did not file any case.

5. The learned counsel for the appellants submits that no such occurrence has taken place and the informant/opposite party no. 2 herein, is in habit of filing cases under SC/ST Act. He submits that the opposite party /respondent no. 2 and her family members are also resident of UP., and their names appear in the voter list a U.P.. He further submits that prior to the said occurrence, they have also filed similar nature of cases before



Pararona police station and Sevrahi police station in U.P. He further submits that the husband of the informant had taken some money from the appellants and when the same was asked for by the appellants, the present FIR has been lodged. He further submits that the FIR has also been lodged by the wife of appellant no. 2 against the husband of the informant bearing Kateya P.S. Case No. 512 of 2025. He further submits that appellants bears a clean antecedent.

6. Per contra, the learned Spl. P.P. appearing on behalf of the State opposes the prayer for bail of the appellants and submits that serious allegations under SC/ST Act have been leveled against the appellants.

7. Considering the rival submissions and after going through the records, it appears that the informant had earlier also lodged complaint against different persons in U.P. of the same nature i.e., SC/ST Act. It further appears that they are the resident of UP and are in habit of lodging these type of cases to harass the persons against whom they lodge cases. It further appears that the allegation of taking name of the caste of the respondent/opposite party no. 2 has not been taken in full public view. In the facts and circumstances of the case, let the above named appellants, in the event of their arrest or surrender before



the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge-XI -cum- Exclusive Special Judge, Gopalganj, in connection with Kateya P.S. Case No. 429 of 2025, subject to the condition as laid down under Section 482(2) of B.N.S.S., with further condition:-

(I) That the learned court concerned 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 concerned shall take steps for cancellation of bail bonds 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.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

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(Ritesh Kumar, J)

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