

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5426 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- SC/ST District- Sitamarhi

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1. Rajesh Rai @ Rajesh Kumar S/O Ram Sevak Rai R/O village - Basaha ward no.- 7, P.S.- Bajpatti, Dist.- Sitamarhi
 2. Ram Bali Rai @ Ram Bali Kumar S/O Ram Sevak Rai R/O village - Basaha ward no.- 7, P.S.- Bajpatti, Dist.- Sitamarhi
 3. Ujala Kumar @ Guddu Kumar S/O Ruplal Rai R/O village - Basaha ward no.- 7, P.S.- Bajpatti, Dist.- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Rubi Kumari W/O Vishwanath Paswan R/O village - Basaha ward no.- 7, P.S.- Bajpatti, Dist.- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari I, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 24-04-2026 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

2. This is an appeal which has been filed under 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 30.10.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 21 of 2024 registered for the offences punishable under Sections



341, 323, 385, 354(B), 379, 504, 506/34 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w)(i)(ii)/3(2)(va) of the SC/ST Act.

3. The case of the prosecution is that on the occasion of marriage in the family on 01.05.2024 at 07:30 P.M. while the respondent was at Hanuman Temple for prayers meanwhile Shivan Kumar and Ujala Kumar started taunting the ladies. When the respondent objected, they called the accused persons. It is alleged that all the accused persons were under influence of intoxication started abusing with caste name and when the respondent objected, they started assaulting with *lathi-danda*. It is also alleged that the appellants took jewellery worth Rs. 10,00,000/- of the family members of the respondent.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case. They are innocent and have committed no offence. From perusal of the F.I.R., it is clear that the occurrence is of 01.05.2024 whereas the F.I.R. has been lodged on 12.05.2024. There is delay of at least 11 days in filing the F.I.R. and the delay is not explained. It has further been submitted that the nature of allegation is general and omnibus and it is not clear from the F.I.R. that as to which words were uttered. It has also been



submitted that the abuse with caste name, if any, was not in public view. The appellants are having no criminal antecedent. Learned counsel has submitted that similarly situated co-accused persons have already been granted bail by this Court vide Cr. App. (SJ) No. 5440 of 2024. The case of these appellants stands on similar footing.

5. Learned Spl. P.P. for the State has vehemently opposed the appeal for bail.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 30.10.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 21 of 2024 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each 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 Sitamarhi SC/ST P.S. Case No. 21 of 2024 , subject to the conditions as laid down under Section 482 (2) of the BNSS.



7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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