

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4859 of 2024**

Arising Out of PS. Case No.-107 Year-2024 Thana- KACCHWA District- Rohtas

Sonu Kumar Gupta son of Shankar Sah Resident of Village -Mahipat Bigha,  
Police Station- Kachhwa, District -Rohtas at Sasaram

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Shila Devi Wife of Shiv Kumar Paswan village- Mahipat Bigha, Ps-  
Kachhwa, Dist- Rohtas at Sasaram

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Raghunandan Kumar Singh  
For the Respondent/s : Mr. Binay Krishna  
For the Informant : Mr. Chhotelal Mishra  
Ms. Jyoti Prasad

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

**ORAL ORDER**

- 213-11-2024
1. Heard learned Counsel for the appellant, learned counsel  
for the informant and learned Additional Public  
Prosecutor for the State.

2. An order, dated 10.09.2024, passed by learned Additional  
District and Session Judge XVII -cum- Special Court  
SC/ST Act, Rohtas at Sasaram, is under challenge in the  
present appeal preferred under Section 14-A (2) of the  
Schedule Caste and Schedule Tribes (Prevention of  
Atrocities) Act, 1989, whereby the anticipatory bail  
application of the appellant in connection with Kachhwa  
Police Station Case No. 107 of 2024, dated 27.07.2024,



Sections 126(2)/115(2)/329(4)/117(2)/76/352/351(2) of the Bharatiya Nyaya Sanhita, 2023, and Sections 3 (i)(r) (s)(w) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 27.07.2024, the husband of the appellant had gone to his field for planting bridal seeds near the Son river and for irrigating it. In the meanwhile, the appellant entered into the house of the informant, assaulted her by fists and slaps, disrobed her and snatched gold earrings. Upon protest, the appellant assaulted the informant by means of stick and while fleeing away abused her by taking caste name.
4. Learned counsel for the appellant submits that both the parties are neighbours and there is dispute regarding drainage between them. He next submits that no injury has been caused to the informant due to assaulted made by the appellant. He further submits that the occurrence has allegedly taken place in the house of the informant, as such, the provision for SC/ST Act is not attracted against the appellant since the informant was not called by her caste name in full public view.



5. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the appellants called the informant by her caste name and also assaulted her.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are close door neighbours, there appears to be dispute regarding drainage between the parties and the allegation against the appellant for taking caste name is not in full public view, I am inclined to grant the appellant privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 10.09.2024, passed by learned Additional District and Sessions Judge XVII -cum- Special Court, SC/ST Act, Rohtas at Sasaram, is set aside.
8. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge XVII -cum- Special Court, SC/ST Act, Rohtas at Sasaram, in connection with Kachhwa Police



Station Case No. 107 of 2024, subject to the condition  
laid down under Section 438 (2) of the Code of Criminal  
Procedure.

**(Anil Kumar Sinha, J)**

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