

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4845 of 2024

Arising Out of PS. Case No.-338 Year-2024 Thana- DARIYAPUR District- Saran

CHHATTISH GIRI @ SATISH GIRI S/o- PASPATI GIRI Village- Math
Kewatiya Ps- Dariyapur Dist- Saran

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Umarawati Devi W/o- Manoj Kumar Manjhi Village- Math Kewatiya Ps- Dariyapur Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhananjay Kumar Tiwary
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 212-11-2024
1.

Heard learned Counsel for the appellant and learned Additional Public Prosecutor for the State.
2.

An order, dated 30.08.2024, passed by learned SC/ST Exclusive Special Judge, Chapra at Saran, in ABP No. 3026 of 2024, 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 Dariyapur Police Station Case No. 338 of 2024 Sections 341/323/379/354/504/506/34 of the Indian Penal Code, and Section 3 (1)(r)(s) 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 18.06.2024, while the informant's son was playing cricket, the appellants and other accused persons, abused him by taking his caste name and assaulted him.
4. Learned counsel for the appellant submits that during the course of game of cricket some occurrence has allegedly taken place. He next submits that as per the First Information Report, the game of cricket was being played in a field situated at a distance of 200 meters away from the house of the informant, which was not in full public view.
5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail of the appellant and submits that the match was being played in a field which is in public view, where the appellant and others assaulted and abused informant's son by taking his caste name.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the occurrence has taken place during the game of cricket and the informant's son has been called by his caste name, which prima facie 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 30.08.2024, passed by learned SC/ST Exclusive Special Judge, Chapra at Saran, in ABP No. 3026 of 2024, 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 SC/ST Exclusive Special Judge, Chapra at Saran, in connection with Dariyapur Police Station Case No. 338 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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