

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.748 of 2025

Arising Out of PS. Case No.-277 Year-2024 Thana- RAXAUL District- East Champaran

1. Anil Patel @ Anil Raut Son of Late Chanardeo Patel, Resident of Village - Hardiya, Ward No.10, P.S. - Raxaul, District - East Champaran, Motihari.
2. Lilawati Devi Wife of Anil Patel @ Anil Raut, Resident of Village - Hardiya, Ward No.10, P.S. - Raxaul, District - East Champaran, Motihari.
3. Rajani Kant Kumar @ Rajni Kant Patel, Son of Anil Patel @ Anil Raut, Resident of Village - Hardiya, Ward No.10, P.S. - Raxaul, District - East Champaran, Motihari.
4. Arun Patel Son of Anil Patel @ Anil Raut Resident of Village - Hardiya, Ward No.10, P.S. - Raxaul, District - East Champaran, Motihari.
5. Amit Patel Son of Anil Patel @ Anil Raut, Resident of Village - Hardiya, Ward No.10, P.S. - Raxaul, District - East Champaran, Motihari.
6. Ajay Patel, Son of Anil Patel @ Anil Raut Resident of Village - Hardiya, Ward No.10, P.S. - Raxaul, District - East Champaran, Motihari.
7. Sanjay Patel @ Sanjay Raut, Son of Chandradeo Patel, Resident of Village - Hardiya, Ward No.10, P.S. - Raxaul, District - East Champaran, Motihari.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Munni Devi Wife of Mukesh Ram Resident of Village - Hardiya, Ward No.10, P.S. - Raxaul, District - East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sharda Nand Mishra, Advocate Ms. Isha Mishra, Advocate Mr. Dhandev Kumar, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, Spl. PP
For the Respondent No. 2:	:	Mr. Dhananjay Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-05-2025

I.A. No. 01 of 2025

1. This Interlocutory application has been filed under
Section 5 of the Limitation Act, to condone the delay of 23 days,
above 90 days, in view of the provisions as available under 14A(3)



of SC/ST(POA) Act, 1989.

2. It is submitted that the delay as aforesaid was neither intentional nor deliberate, rather appellants/convicts could not prefer the present appeal within time limit due to certain compelling circumstances, which was beyond the reach of the appellants.

3. Considering the aforesaid and also the reasons as explained in I.A. petition itself, the aforesaid delay of 23 days which is well within the limit of 180 days, in view of the proviso of Section 14A(3) of SC/ST(POA) Act, 1989 is hereby condoned.

4. Accordingly, Interlocutory Application No. 01 of 2025 stands allowed and disposed of.

Cr. Appeal (SJ) No. 748 of 2025

1. Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel for the respondent no. 2.

2. The appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 22.10.2024 passed by the learned Special Judge, SC/ST Act, East Champaran, Motihari, where the prayer of anticipatory bail of the appellants was rejected through A.B.P. No.



4033/2024, arising out of Raxaul P.S. Case No. 277/2024, registered under Section 96, 3(5) of B.N.S. of 2023 and 3(2)(va) of SC/ST Act.

3. As per FIR, the appellant no. 6 Ajay Patel eloped the minor daughter of the informant aged about 16 years for the purpose of illicit intercourse/marriage with another person and when the parents of the victim girl, who is the member of the scheduled caste community reported the occurrence to the appellants/accused, they were abused by their caste name. The allegation of theft is also available *qua* taking cash of Rs. 20,000/- and ornaments worth Rs. 50,000/-

4. Learned counsel appearing for the appellants submitted that the alleged abuse was not in public view and, moreover, the daughter of the informant was in affairs with appellant no. 6, namely Ajay Patel. It is submitted that the victim was not examined medically. It is also submitted that allegation of elopement is available against appellant no. 6, Ajay Patel, but the rest of the appellants were implicated only out of their relations and being parents of appellant no. 6. It is submitted that the matter was compromised between the parties. It is also submitted that the statement of the victim could not be recorded under Section 183 of BNSS in support of allegation as raised through present



FIR.

5. Learned counsel for the appellants submitted that abuse by caste name does not appear to be made in public view, hence no case is made out under the Act, as it was held in ***Hitesh Verma v. State of Uttarakhand***, reported in ***(2020) 10 SCC 710***.

6. The factum of compromise and also the other factual aspects duly approved by learned counsel Mr. Atul Kumar, appearing for respondent no. 2, namely Munni Devi.

7. In view of aforesaid factual and legal submissions and by taking note of fact, as the victim was neither examined medically nor her statement recorded under Section 183 of the BNSS, where *prima facie* it also appears that abuse by caste name not made in public view and, moreover, the matter appears compromised between the parties, which was duly supported by learned counsel appearing for respondent no. 2/informant accordingly, above-named appellant in the event of his arrest or surrender before the learned trial Court, within a period of six weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, East Champaran, Motihari/concerned Court,



where the case is pending in connection with A.B.P. No. 4033/2024, arising out of Raxaul P.S. Case No. 277/2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. Accordingly, impugned order dated 22.10.2024 as passed through A.B.P. No. 4033/2024, arising out of Raxaul P.S. Case No. 277/2024 is hereby set aside.

9. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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