

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1005 of 2024

Arising Out of PS. Case No.-128 Year-2023 Thana- TANDWA District- Aurangabad

1. Sharda Devi Wife of Prakash Kumar Mehta Resident of Village- Bhaluwadi Tole Rehad Bigha, P.S. Tandwa District- Aurangabad
2. Raj Kumari Devi Wife of Ramswaroop Mehta Resident of Village- Bhaluwadi Tole Rehad Bigha, P.S. Tandwa District- Aurangabad
3. Deepak Kumar Mehta @ Deepak Kumar Son of Ram Swaroop Mahta Resident of Village- Bhaluwadi Tole Rehad Bigha, P.S. Tandwa District- Aurangabad
4. Ram Swaroop Mehta Son of Late Surjpat Mehta Resident of Village- Bhaluwadi Tole Rehad Bigha, P.S. Tandwa District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Subodh Kumar Son of Late Ram Sawarath Ram Resident of Village- Bhaluwadi Tole Rehad Bigha, P.S. Tandwa District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bindeshwar Prasad Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 19-11-2025 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of 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 20.01.2024 in A.B.P. No. 81 of 2024 passed by the learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad in connection with Tandwa P.S.



Case No. 128 of 2023 registered under Sections 341, 323, 324, 379, 504 and 506 of the Indian Penal Code, Sections 26 and 35 of the Arms Act as well as Sections 3(i)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and appellants no. 1 and 2 are women. It is next submitted that informant alleges that on 21.11.2023, at about 07:30 p.m., he had gone to tie the cows in his cowshed when he heard hulla, accordingly, he rushed back to his house and saw all the named accused persons in his house who were abusing and pointing pistol at his sister-in-law (Bhabhi) and were asking for money and jewellery. On objection, Ram Swaroop Mehta (appellant no. 4) assaulted her by lathi causing injury on her head and snatched a gold chain. Thereafter, Nishant Kumar, the nephew of the informant, came to save her mother who was also assaulted by Ram Swaroop by sharp edged weapon causing injury on his neck. Further, the accused persons also assaulted the informant's brother by lathi causing injury near eye and Deepak Kumar Mehta (appellant no. 3) assaulted the informant's wife by lathi causing injury on her right arm. It is next alleged that Sharda Devi (appellant no. 1) and Raj Kumari Devi (appellant no. 2) assaulted the informant's



wife and his Bhabhi by lathi causing injury and when the villagers gathered the accused persons fled away threatening.

4. Learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the entire occurrence took place within the house of the informant, as such, was not in public view nor the FIR even remotely suggests that the occurrence was witnessed by any independent witness. It is next submitted that appellants and the informant are neighbours and the informant was having dispute with co-accused, namely, Vikash Kumar and on the date of occurrence, an altercation had taken place in between Vikash Kumar and the informant and a scuffle ensued when the appellants being neighbour intervened to pacify the issue but then they came to be implicated in the instant case. It is also submitted that though the appellants are neighbours but then the informant has instituted the instant FIR with an allegation which gives an impression that the accused persons had entered the house of the informant with an intent to commit loot. It is further submitted that allegation of abusing by taking caste name is general and omnibus in nature. It is next submitted that



it does not appear probable that all the accused in one go would have abused the informant by taking caste name. It is also submitted that as such in the nature of allegation as alleged prima facie no offence under the SC/ST Act is made out and as far as allegation of assault is alleged, it is submitted that both sides assaulted each other and the injury suffered by the side of the injured has been opined to be simple and from the side of the appellants Tandwa P.S. Case No. 129 of 2023 has been instituted by Satyendra Ram against the informant and his side.

5. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the appellants.

6. Considering the submissions made by the learned counsel appearing on behalf of the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



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

(Satyavrat Verma, J)

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