

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.913 of 2025

Arising Out of PS. Case No.-14 Year-2024 Thana- SC/ST District- East Champaran

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1. Mahesh Patel @ Mahesh Kumar S/O Late Madan Patel @ Madan Prasad Resident of Village - Balua Chauk, P.S. - Motihari Town, District - East Champaran
 2. Raju Patel @ Raju Kumar S/O Timal Patel @ Timan Patel Resident of Village - Balua Chauk, P.S. - Motihari Town, District - East Champaran
 3. Triloki Kumar Patel @ Triloki Kumar S/O Mahesh Patel Resident of Village - Balua Chauk, P.S. - Motihari Town, District - East Champaran
 4. Ritu Kumar S/O Mahesh Patel Resident of Village - Balua Chauk, P.S. - Motihari Town, District - East Champaran
 5. Mithlesh Devi Wife of Raju Patel Resident of Village - Balua Chauk, P.S. - Motihari Town, District - East Champaran
 6. Pinki Devi Wife of Mahesh Patel Resident of Village - Balua Chauk, P.S. - Motihari Town, District - East Champaran
 7. Gunnu Patel @ Monu Patel @ Monu S/O Timal Patel @ Timan Patel Resident of Village - Balua Chauk, P.S. - Motihari Town, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Ram S/O late Kariman Ram R/O Vill.- Balua Chauk, Gopalpur ward no. 34, P.S.- Motihari Town, Dist.- Motihari.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Madhurendra Kumar
For the State	:	Mr. Binay Krishna
For the Respondent No. 2	:	Mr. Rajesh Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 14-11-2025 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Special Public Prosecutor for the State.

2. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 23.10.2024, passed by learned Special Judge, SC/ST Act, East Champaran in connection with Motihari SC/ST P.S. Case No. 14 of 2024, registered under Sections 341, 323, 379, 504, 34 of the Indian Penal Code and Sections 3(1) (r)(s) and 3(2)(va) of SC/ST Act.

3. The case of the prosecution is that the informant was surrounded by a number of accused persons who assaulted and abused him by his caste name and at the instigation of Mahesh Patel, appellant no. 1, some cash and a locket was snatched from him.

4. Learned counsel for the appellants, at the outset, submits that the occurrence had taken place at 9:00 p.m. in a lane and the FIR does not talk of any public view. It has further been submitted that there is a case and counter case with regard to the same incident and this fact has been mentioned in para-9 of the petition. It has further been submitted that there is an inordinate and unexplained delay of about one week in lodging the present case. As a matter of fact, both the parties are resident of the same village and on account of some heated exchange of words between the parties, some scuffle had taken place



between the children of both the families which escalated into the present incident and cases came to be filed on both the sides. However, no injury was caused in the incident and barring Section 379 of the IPC, which has been ornamentally levelled against the appellants, other Sections areailable in nature.

5. Learned Spl.PP for the State and learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail on the grounds of allegation made in the first information report.

6. Considering the fact that there is no disclosure of the incident being witnessed in public view and also the incident having occurred due to fight between the children of the families, prima facie, the provisions of the SC/ST Act would not get attracted.

7. Taking into consideration the facts and circumstances and also considering the delay in lodging of the FIR coupled with the factum of case and counter case on both the sides and non receiving of injuries in the entire incident, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned Special Judge,
SC/ST Act, East Champaran in connection with Motihari SC/ST
P.S. Case No. 14 of 2024, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and
the appeal is allowed.

(Soni Shrivastava, J)

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