

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1199 of 2024

Arising Out of PS. Case No.-50 Year-2023 Thana- SC/ST District- Gopalganj

-
1. Ehsanul Mian @ Ehsanul Haque son of Hussain Mian R/o Village- Asandi Mahuawa PS - Kuchaikote Dist- Gopalganj
 2. Hussain Mian son of Sadik Mian R/o Village- Asandi Mahuawa PS - Kuchaikote Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Bahadur Sah S/o Late Ramsamuh Sah, Resident of Village Asandi Mahuawa, PS - Kuchaikote Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Akshay Ashish, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-09-2025 1. Heard learned counsel for the appellants 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, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 06.02.2024 in A.B.P. No. 364 of 2024 passed by the learned 11th Additional Sessions Judge-cum-Exclusive Special Judge SC/ST (POA) Act, Gopalganj in connection with Gopalganj SC/ST P.S. Case No. 50 of 2023 registered under Sections 341, 323, 504 and 506/34 of the Indian Penal Code as well as Sections 3(i)(r)(s) and 3(2)(va) of the SC/ST Act.



3. Learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent. It is further submitted that from perusal of the office notes dated 08.07.2024, it would manifest that both ordinary and registered notice has been validly served on the respondent no. 2 but then no one appears on behalf of the respondent no. 2 to contest the case.

4. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that he had purchased 1.5 Kathas of land from Alamgir Mian and his brother in the name of his wife Raj Kumari Devi on which he was growing vegetables. Further, on 08.09.2023, at about 07:00 a.m., while the informant was coming back home after plucking the vegetables when Hussain Mian called him, accordingly, the informant went to the house of Hussain Mian where named accused persons were present from before and they pulled him inside the courtyard and asked why he abused them. On objection, it is alleged that he was abused by taking his caste name and was also assaulted by kicks and slaps. Further, the informant managed to flee away from the house of Hussain Mian but the appellants followed him and entered the house of the informant and thereafter assaulted his



daughter Rukmani Kumari and wife Raj Kumari Devi when they came to save him.

5. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that the occurrence is alleged to have taken place at two places, i.e., at the house of Hussain Mian and thereafter in the house of the informant, as such, the occurrence did not take place in public view nor the FIR remotely suggest that the occurrence was witnessed by any independent witnesses, as such, prima facie, no offence under the SC/ST Act is made out. It is next submitted that this perhaps explains that why respondent no. 2 despite receiving notice chooses not to appear and contest the case.

6. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

7. Considering the submissions, let the appellants, above named, in the event of their arrest or surrender before the learned Court below 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 Court below 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.

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

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

