

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.996 of 2025

Arising Out of PS. Case No.-76 Year-2024 Thana- SC/ST District- Madhubani

Md Gufran S/o Late Md Obaish R/o vill - Dumari, P.S.- Rahika, Distt.-
Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Rampari Devi W/o Ram Udai Ram R/o vill - Dumari, P.S.- Rahika, Distt.-
Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Subhash Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 18-12-2025 1. Heard learned counsel for the appellant and the

learned Special P.P. Mr. Sadanand Paswan. No one appears on

behalf of the respondent no.2.

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 30.01.2025 in A.B.P. No. 2385 of 2024 passed by

the learned Additional Sessions Judge-I-cum-Special Judge,

Madhubani in connection with SC/ST P.S. Case No.76/2024,

registered under Sections 126, 115(2), 76, 303(2), 352, 351(2)

and 3(5) of the BNS, 2023 and Sections 3(2)(va), 3(1)(5), 3(i)(r)



of the SC/ST Act.

3. Learned counsel for the appellant submits that from perusal of the office report dated 12.09.2025, it would manifest that the same records that the notice was validly served on respondent no.2. It is next submitted that respondent no.2 despite receiving notices chooses not to appear and contest. It is next submitted that appellant has antecedent of one case under Section 498A of the Indian Penal Code read with other sections. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that on 05.09.2024 at 12.30 P.M. while she was at her home, when the appellant came looking for his nephew and asked why her son had taken his nephew along with himself to Mumbai, on which, the informant denied and said that his nephew has not accompanied her son to Mumbai rather her son along with other persons whose name stands recorded in the FIR have gone to Mumbai, on which, the appellant got enraged and abused her by taking caste name and even dashed her on the ground and tore her clothes.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the



allegation as alleged in the FIR, it would manifest that entire occurrence took place in the house of the informant and thus not in public view, as such, prima facie, no offence under the SC/ST Act is made out.

5. Learned Special Public Prosecutor opposes the prayer for anticipatory bail of the appellant.

6. Considering the submission of the learned counsel for the appellant, the order impugned is set aside. Let the appellant, above named, in the event of his 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 bond of Rs.5,000/- (rupees five thousand) 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 482(2) of the BNSS.

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

(Satyavrat Verma, J)

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