

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1245 of 2025

Arising Out of PS. Case No.-87 Year-2024 Thana- SC/ST District- East Champaran

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1. Sonalal @ Sonalal Prasad S/O Late Ramchandra Mahato Resident Of Village- Bada Laguniya, P.S- Paharpur, Distt.- East Champaran.
 2. Tapeswar Mahato @ Om Prakash Mahato S/O Din Dayal Mahato Resident Of Village- Bada Laguniya, P.S- Paharpur, Distt.- East Champaran.
 3. Shailesh Kumar @ Shailesh Prasad S/O Rajendra Prasad Resident Of Village- Bada Laguniya, P.S- Paharpur, Distt.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shree Devi W/O Bantilal Paswan R/O Village- Bada Laguniya, P.O- Balua, P.S- Paharpur, Distt.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pravin Kumar, Advocate
For the State	:	Mr.Binay Krishna, Spl. P.P.
For the Resp. No.2	:	Mr. Dhannjay Kr-2, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 19-12-2025 Heard learned counsel for the appellants, learned counsel appearing on behalf of the Respondent No. 2 as well as learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 13.02.2024 passed by the learned Court of Special Judge, SC/ST Act, East Champaran at Motihari in connection with Motihari P.S. Case No.87 of 2024, registered under Sections 191(2), 126(2), 329(3), 115(2), 118(1), 109, 324(4), 74, 303(2), 352, 351(2) of the B.N.S, 2023 and Sections 3(1) (i) (r) (s) of the



Scheduled Castes and Scheduled Tribes Act.

3. The allegation in the F.I.R is that accused persons including the appellants herein came variously armed at the house of the informant, hurling caste based abuses and also indulged in assault with the informant and others.

4. Learned counsel for the appellants at the outset submits that it would be apparent from the F.I.R itself that occurrence had taken place at the door of the house of the informant, as such there is no public view and therefore the provisions of SC/ST Act would not get attracted. There is a *bona fide* land dispute between the parties and title suit is also pending for adjudication. It is further submitted that there is case and counter case and the counter case filed on behalf of the appellant no.2 against the informant and others being Paharpur P.S. Case No. 576 of 2024. It is further submitted that the present case does not involve repeated blows allegedly inflicted by the appellants and therefore offence under Section 109 of the BNS is not made out. Moreover, the injury reports of the informant and her family members, who are alleged to have been assaulted by the appellants, indicate that they have sustained only simple injuries caused by hard and blunt object. The appellants have no criminal antecedent and undertake to co-



operate in case/trial.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants based upon the allegation made in the F.I.R.

6. In view of the fact that occurrence had taken place inside the house which cannot be a public view, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act *prima facie* is made out against the appellants.

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that occurrence took place between the parties due to land dispute leading to case and counter case coupled with the fact that informant and others had suffered simple injuries, let the appellants above named, having no criminal antecedent in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing each of them bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, SC/ST Act, East Champaran at Motihari in connection with Motihari P.S. Case No.87 of 2024, 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.

(Soni Shrivastava, J)

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