

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1383 of 2025

Arising Out of PS. Case No.-200 Year-2024 Thana- PATAHI District- East Champaran

Sonu Kumar S/O Sri Ram Vinay Singh @ Vinay Singh R/O Village- Jihuli,
P.S- Patahi, Distt.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shail Kumari Devi W/O Harish Chandra Ram R/O Village- Kihuli, P.S-
Patahi, Distt.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ghanshyam, Advocate
For the State : Mrs. Usha Kumari I, Spl. P.P.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 19-12-2025 Heard learned counsel for the appellant and learned

Spl.P.P. for the State. However, no one appears on behalf of

respondent no.2 despite valid service of notice.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
04.03.2025 passed by the learned Court of Special Judge, SC/ST
Act, East Champaran at Motihari in connection with Patahi P.S.
Case No.200 of 2024 registered under Sections 126(2), 115(2),
118(1), 351(2) and 352 of BNS, 2023 and Sections 3(1) (i) (r)
(s) of the Scheduled Castes and Scheduled Tribes Act.

3. The allegations in the F.I.R is that appellant and
another co-accused came to the house of the informant for



calling them to work in the field and on refusal by the son of the informant, they indulged in hurling caste based abuses. There is further allegation that co-accused Priyanshu Kumar assaulted the informant which caused injuries to him.

4. Learned counsel for the appellant submits that the present F.I.R has been lodged after 10 days of occurrence, inasmuch as occurrence is said to have taken place on 08.08.2024 and F.I.R came to be lodged on 18.08.2024, for which no plausible explanation has been tendered. It is further submitted that it would be apparent from the F.I.R itself that occurrence had taken place at the doorstep of the house of the informant as such there is no public view involved, thus provisions of SC/ST Act would not get attracted. It is further submitted that allegation of assault is attributed to co-accused Priyanshu Kumar and not the appellant herein. The present case is counter blast filed by the father of the appellant earlier against the informant and others. The appellant has no criminal antecedent and undertakes to co-operate in case/trial.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant 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 there is delay of ten days in lodging of F.I.R, present case is counter blast filed by the father of the appellant coupled with the fact that appellant has no criminal antecedent, let the appellant, above named, in the event of his 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 Patahi P.S. Case No.200 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)

Harsh/-

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