

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1522 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- HISUWA District- Nawada

1. Fulkumari Devi W/o- Bhushan Chauhan @ Gulab Chand Chauhan Village- Jayshri Bigha Tola- Dano Ps- Hisua Dist- Nawada
2. Bhushan Chauhan @ Gulab Chand Chauhan S/o- Dahu Chauhan Village- Jayshri Bigha Tola- Dano Ps- Hisua Dist- Nawada
3. Rani Devi @ Rano Devi @ Rani Munna Singh W/o- Munna Singh, D/o- Dahu Chauhan Village- Jayshri Bigha Tola- Dano Ps- Hisua Dist- Nawada, P/A- R.No- 38, Bangali Chwl, Naikpada Near Ganesh Mandir, Waliv Vasai East, Vasai Palghar Maharashtra

... .. Appellant/s

Versus

1. The State of Bihar
2. Rubi Devi W/o- Sukhdeo Rajbansi Village- Dafalpura Ps- Hisua Dist- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Durgesh Nandan
For the Respondent/s : Mr.Sadanand Paswan

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 17.03.2025, passed by learned Exclusive Special Judge, SC/ST (POA) Act, Nawada in connection with Hisua P.S. Case No. 56 of 2025, registered under Sections 137(2), 142, 96,



3(5) of the B.N.S. and Sections 3(i) (dh), 3(1)(d), 3(1)(r)(s)(w) (ii), 3(2)(va) of SC/ST Act.

3. The case of the prosecution is that on 14.10.2025 the daughter of the informant was taken away forcibly by one Ankit Kumar and his associates and 20 days thereafter, the informant came to the house of the appellants with the allegation that the son of the appellant nos. 1 and 2 had taken away her daughter to which they responded in the form of hurling caste based abuses and threatening.

4. Learned counsel for the appellants, at the outset, submits that the occurrence is said to have happened in the house of the appellants and hence there is no question of public view. Thus, no provisions of the SC/ST Act would apply. It is further submitted that the FIR has been lodged after an inordinate delay of 15 days, inasmuch as while the date of occurrence, that is, taking away of the daughter of the victim was 14.01.2025, the present FIR was lodged on 29.01.2025, for which no plausible reason has been tendered. It has also been submitted that the allegation of taking away of the informant's daughter has specifically been levelled on Ankit Kumar who is the son of the appellant nos. 1 and 2 who is also a minor and was lodged in the custody of the Juvenile Court and these



appellants are merely the father, mother and parental aunt of the said Ankit Kumar and it is for this reason that they have been made accused in the present case.

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 the occurrence is said to have taken place inside the house, there is no question of public view, hence the provisions of the SC/ST Act prima facie do not seem to get attracted.

7. Taking into consideration the facts and circumstances and also considering the unexplained and inordinate delay of 15 days in lodging of the FIR coupled with the specific allegations of taking away the daughter of the informant is not on these appellants, 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 Exclusive Special Judge, SC/ST (POA) Act, Nawada in connection with Hisua P.S. Case No. 56 of 2025,



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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