

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2168 of 2024

Arising Out of PS. Case No.-374 Year-2023 Thana- BAKHARI District- Begusarai

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1. Mithalesh Chaudhary @ Meethlesh Chaudhari @ Mithilesh Chaudhary Son of Gopal Chaudhary Resident of Village- Karaitar, Ward No- 2, Samsa, P.S- Bakhari , Dist- Begusarai
 2. Prema Devi Wife of Mithalesh Chaudhary @ Meethlesh Chaudhari @ Mithilesh Chaudhary Resident of Village- Karaitar, Ward No- 2, Samsa, P.S- Bakhari , Dist- Begusarai
 3. Savita Devi Wife of Parmanand Choudhary Resident of Village- Karaitar, Ward No- 2, Samsa, P.S- Bakhari , Dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Visho Paswan Son of Chhabu Paswan Resident of Village- Karaitar, Ward No- 1, P.S- Bakhari, Dist -Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinod Seth, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-10-2025 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State and the learned counsel appearing on behalf of the respondent no. 2, Mr. Deepak Kumar.

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 08.04.2024 in A.B.A. No. 534 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Begusarai



in connection with Bakhri P.S. Case No. 374 of 2023 registered for the offences punishable under Sections 147, 341, 323, 324, 506 and 149 of the Indian Penal Code as well as Sections 3(1)(r) (s) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and appellant nos. 2 and 3 are women. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of abuse or assault is alleged against the appellant nos. 2 and 3. It is next submitted that the informant alleges that on 03.11.2023 at 04:00 PM, the accused persons including the appellants came at his house and started abusing by taking caste name, on objection appellant no. 1 assaulted by *Padhariya* on right hand of the informant and when wife of the informant came to save him, the appellant no. 1 assaulted her by bamboo on left hand and left leg and thereafter Varsha assaulted Ankit by brick on head.

4. Learned counsel for the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest that the entire occurrence took place at the house of the informant, as such, was not in public view nor the FIR even remotely suggests that the occurrence was witnessed by any



independent witnesses and the FIR was instituted under Section 323 IPC along with other minor sections of the IPC and SC/ST Act. It is also submitted that even allegation of assault is an exaggerated allegation and the parties are having dispute relating to land.

5. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the respondent no. 2 opposes the appeal, but then learned counsel appearing on behalf of the respondent no. 2 is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that there is a land dispute in between the parties and the entire occurrence took place at the house of the informant and thus was not in public view.

6. Considering the submissions made by the learned counsel for the appellants, the order dated 08.04.2024 in A.B.A. No. 534 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Begusarai in connection with Bakhri P.S. Case No. 374 of 2023, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from today, 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 Trial Court where the case is pending/successor court in connection with Bakhri P.S. Case No. 374 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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