

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1888 of 2025

Arising Out of PS. Case No.-503 Year-2019 Thana- CIVIL LINE District- Gaya

1. Chhotu Sao @ Bhotu Mistry @ Bholu Mistry @ Chhotu Kumar Gupta @ Mistry @ Chhoti Kumar Gupta, aged about 50 years, S/O Late Bahera Sao,
2. Golu Kumar, aged about 25 years, Male, S/O Chhotu Sao @ Bhotu Mistry @ Bholu Mistry @ Chhotu Kumar Gupta @ Mistry @ Chhoti Kumar Gupta, Both are resident of Mohalla- Kalibari, P.S.- Civil Lines, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Renu Devi, W/O Sri Sunil Kumar, R/O Mohalla- Kalibari, P.S- Civil Line, Distt.- Gaya (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Uma Kant Mishra, Advocate
For the State	:	Mr. Usha Kumari 1, Spl. PP
For the Respondent No.2:	:	None

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Earlier, notice was issued to the respondent no.2
and a *vakalatnama* has been filed on her behalf, but nobody is
present on behalf of the respondent no.2.

3. 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 bail vide order dated
07.04.2025 passed by the learned Exclusive Special Judge,



SC/ST, Gaya, in connection with Civil Lines P.S. Case No.503 of 2019 registered for the offences punishable under Sections 504, 506 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

4. The case of the prosecution, in brief, is that on the alleged date of occurrence on account of objection raised by the informant for construction of *Chajja*, the accused persons (appellants) came at the door of the informant and started assaulting her with iron rod and abused her by caste name and threatened her of dire consequences. The appellants also threatened the informant to implicate her husband in a false case.

5. Learned counsel for the appellants submits that the entire incident took place in the house of the informant and not in public view and so, no offence under SC/ST Act would be made out against the appellants. It is further submitted that the house of the appellants is adjacent west from the house of the informant and the informant herself has encroached *Chajja* towards west in the lane and she is unnecessarily trying to harass the appellants in this false and concocted case. Lastly, it is submitted that the petitioners have no criminal antecedents.

6. Learned Special Public Prosecutor for the State has



vehemently opposed the prayer of the appellant.

7. Having considered the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya, in connection with Civil Lines P.S. Case No.503 of 2019, subject to the conditions as laid down under Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023.

8. The impugned order dated 07.04.2025 passed by the learned Exclusive Special Judge, SC/ST, Gaya, in connection with Civil Lines P.S. Case No.503 of 2019 is hereby set aside.

9. The appeal stands allowed.

(Khatim Reza, J)

J. Alam/-

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