

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2233 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- BAKHTIYARPUR District- Patna

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Surendra Prasad SON OF LATE PRAYAG YADAV VILLAGE- GERUARI,
PO- SHAWANI, PS- BHAKHTIYARPUR, DIST- PATNA

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. MALTI DEVI WIFE OF LATE DEV SHARAN DAS VILLAGE-
BAJITPUR, PO- SHAWANI, PS- BHAKHTIYARPUR, DIST- PATNA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhim Sen Prasad, Adv.
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 25-08-2025 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

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 04.04.2024 in A.B.P. No. 1026 of 2024 passed by
the learned Exclusive Special Court S.C./S.T. (POA) Act, Patna



in connection with Bakhtiyarpur P.S. Case No. 15 of 2024 registered for the offences punishable under Sections 341, 323, 354, 504, 506 and 34 of the Indian Penal Code as well as Section 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellant submits that the notices were issued on respondent No. 2 by an order dated 02.07.2025 and from perusal of the office report dated 23.08.2025, it would manifest that the same records that respondent no. 2 does not live at given address hence notice returned back unserved. The learned counsel appearing on behalf of the appellant, thus, submits that the notices were sent on the same address as recorded in the FIR, but it appears that the respondent no. 2 either is evading the notice or is not residing on the address as given in the FIR.

4. In view of the submission made by the learned counsel appearing on behalf of the appellant, no further notice is required.

5. Learned counsel for the appellant submits from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that on 05.01.2024, the appellant along with Sujeet Kumar came and demanded their money when she had already returned their money, on objection



it is alleged that Sujeet dashed her on the ground by holding her hair, abused and even assaulted her son Mukesh while Suresh Prasad is a moneylender and lends rupees one and demands rupees hundred.

6. The learned counsel appearing on behalf of the appellant submits that the appellant has been falsely implicated in the instant case by the informant. It is next submitted that even presuming what has been alleged is true without admitting then the entire occurrence took place in the house of the informant and thus was not within public view, as such, *prima facie* SC/ST act is not attracted.

7. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

8. In view of the submissions made by the learned counsel for the appellant, the order dated order dated 04.04.2024 in A.B.P. No. 1026 of 2024 passed by the learned Exclusive Special Court S.C./S.T. (POA) Act, Patna in connection with Bakhtiyarpur P.S. Case No. 15 of 2024, **is hereby set aside** and the appellant above-named, in the event of his 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. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bakhtiyarpur P.S. Case No. 15 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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