

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2251 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- BARHARIA District- Siwan

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1. APPU PATEL @ APPU KUMAR PRASAD SON OF DAULAT RAM @ DAULAT PRASAD @ DAULAT PATEL RESIDENT OF VILLAGE - SUNDARI, P.S. - BARHARIA, DISTRICT - SIWAN

2. AMAR PATEL @ AMAR KUMAR SON OF DAULAT RAM @ DAULAT PRASAD @ DAULAT PATEL RESIDENT OF VILLAGE - SUNDARI, P.S. - BARHARIA, DISTRICT - SIWAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR

2. SHOBHA DEVI WIFE OF SHAMBHU GOND RESIDENT OF VILLAGE - MATHURAPUR, P.S. - BARHARIA, DISTRICT - SIWAN
- Respondent/s

Appearance :

For the Appellant/s	:	Mr. Akshay Lal Pandit, Advocate Mr. Arvind Kumar, Advocate Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P.
For the O.P. No. 2	:	Mr. Udit Narayan Singh, Advocate Mr. Gajendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 10-11-2025

1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

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 21.03.2024 in A.B.P. No. 208 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Siwan in connection with Barharia P.S. Case No. 11 of



2024 registered under Sections 341, 323, 354(B), 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 27.11.2023, at 06:00 p.m., while she was coming home when Amar Patel (appellant no. 2) intercepted her near Brahmasthan and acted inappropriately and on protest Amar Patel dashed her on the ground and started pressing her neck by his legs. Further, the informant came back home and disclosed about the occurrence to her mother thereafter the informant along with her mother went to the house of Amar Patel when Amar Patel and Appu Patel (appellant no. 1) abused them by taking caste name and even assaulted her mother and Amar Patel torn the clothes of the informant.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegations are in two parts. In the first part, the informant alleges that while she was coming back home when she was



intercepted by Amar Patel (appellant no. 2) near Brahmasthan who acted inappropriately and even dashed her on the ground and starting pressing her neck but then the informant did not institute an FIR. It is next submitted that thereafter it is alleged that informant along with her mother went to the house of Amar Patel to confront him when it is alleged that Amar Patel along with Appu Patel abused them by taking caste name and even assaulted her mother by fist and Amar Patel torn her clothes. It is also submitted that second part of the occurrence is alleged to have taken place at the house of Amar Patel, as such, was not in public view. It is further submitted that no doubt Brahmasthan is a public place but then the informant for reasons best known chose not to institute an FIR, rather came to the house of the appellants where the second part of the occurrence is alleged to have taken place. It is next submitted that appellants and the informant are co-villagers and the FIR does not even remotely suggest the motive behind the occurrence. It is also submitted that Amar Patel had dispute with the PDS dealer from whom the informant used to purchase grains and it was at his behest that the instant case came to be instituted, as such, no motive is alleged.

5. Learned Special Public Prosecutor and learned



counsel appearing on behalf of the informant opposed the prayer for anticipatory bail but then are no in a position to rebut the submissions of the learned counsel appearing on behalf of the appellants that no motive for the occurrence is alleged in the FIR.

6. Considering the submissions made by the learned counsel appearing on behalf of the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned trial below within a period of six weeks from the date of receipt of the order, 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 in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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