

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1989 of 2025

Arising Out of PS. Case No.-129 Year-2024 Thana- LAUHIYANAGAR District- Begusarai

1. Md. Kaseem @ Md. Kasim S/o Md. Muslim R/o vill - Bagha, (Baghi), Suhird Nagar, ward no. 29, P.S.- Lohiya Nagar, Distt.- Begusarai
2. Roshan Khatoon @ Gulshan Khatoon @ Raushan Khatoon W/o Md. Kaseem @ Md. Kasim R/o vill - Bagha, (Baghi), Suhird Nagar, ward no. 29, P.S.- Lohiya Nagar, Distt.- Begusarai
3. Tannu Khatoon @ Taranum Khatoon @ Tarranum Khatun @ Tarrannum Khatoon D/o Md. Kaseem @ Md. Kasim R/o vill - Bagha, (Baghi), Suhird Nagar, ward no. 29, P.S.- Lohiya Nagar, Distt.- Begusarai
4. Aasmin Khatoon @ Aasimin Khatoon D/o Md. Kaseem @ Md. Kasim R/o vill - Bagha, (Baghi), Suhird Nagar, ward no. 29, P.S.- Lohiya Nagar, Distt.- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mintu Das S/o Late Ganesh Das R/o Mohalla - Bagha, ward no. 29, P.S.- Lohiya Nagar, Distt.- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sandip Kumar Gautam, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 14-11-2025 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Despite issuance and valid service of notice upon respondent no.2, none appears on behalf of the respondent no.2. However, the matter is being heard in the presence of the learned Spl.PP for the State.

3. This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 11.02.2025 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Lohiya Nagar (Lauhiya Nagar) P.S. Case No. 129 of 2024 registered under Sections 191(2), 126(2), 115(2), 96, 352 of the Bihar Nyay Sanhita, 2023 and Sections 3(r)(s) of the SC/ST Act.

4. Allegation in the first information report is that the minor daughter of the informant had gone along with Md. Kasim and Md. Kalam whereafter the informant questioned about the same to the family of Md.Kasim whereupon the accused persons including the present appellants indulged in hurling of abuses.

5. The learned counsel appearing on behalf of the appellants submits at the outset that it would be evident from the first information report itself that the allegation with regard to hurling caste based abuses took place inside the house and hence, there is no question of any public view, thus provisions of SC/ST Act would not apply. It has further been submitted that the allegation of taking away the daughter of the informant is also upon Md. Kasim and Md. Kalam and not against these appellants. The statement of the victim girl recorded under



Section 183 of B.N.S.S. after her recovery would also disclose that the victim girl has stated that she had gone along with Md. Kalam by her own will and has also stayed with him for seven days as husband and wife and it was only after the present case was filed, she had returned from Delhi. It is thus contended that the present appellants have been made accused in this case only on account of the fact that they are all related to Md. Kalam.

6. Learned Spl. PP for the State opposed the grant of anticipatory bail on the basis of allegations made in the first information report.

7. Considering the fact that the allegation of hurling caste based abuses took place inside the house *prima facie* no offence of SC/ST Act seems to be attracted in the absence of any public view.

8. Taking into account the facts and circumstances of the case and also considering that there are general and omnibus allegations of only hurling abuses and so far as the appellant no.2 to 4 are concerned, they have no role in even taking away victim girl and so far as the appellant no. 1 is concerned, the statement of victim girl under Section 183 of B.N.S.S. making it clear the she had gone on her own will/desire, 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 learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Lohiya Nagar (Lauhiya Nagar) P.S. Case No. 129 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the B.N.S.S.

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

(Soni Shrivastava, J)

anand/-

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