

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2510 of 2025

Arising Out of PS. Case No.-100 Year-2025 Thana- SHEOHAR District- Sheohar

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1. Sanni Upadhyay @ Abhishek Kumar @ Abhishek Kumar Upadhyay S/O Lalbabu Upadhyay R/O Mahuariya, P.s.- Sheohar, Dist.- Sheohar.
 2. Meera Upadhyay W/O Lalbabu Upadhyay R/O Mahuariya, P.s.- Sheohar, Dist.- Sheohar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishnandan Ram S/O Nandu Ram R/O Vill Mahuariya, P.S. Sheohar Dist Sheohar

... .. Respondent/s

Appearance :

For the Appellants	:	Mrs. Madhubala Verma, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Respondent No.2:	:	Mr. Jay Ram Prasad, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 21-11-2025 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 02.06.2025 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Sheohar in connection with Sheohar P.S. Case No. 100 of 2025 registered under Sections 191 (2), 190, 115 (2), 117 (2) and 109 (1) of the



B.N.S. and Section 3(1) (r) (s) 3 (2) (va) 3 (1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The case of the prosecution as disclosed in the F.I.R., in brief, is that all the accused persons including these appellants had come to the house of the informant, hurled caste base abuses and assaulted the informant and his family members.

4. It is submitted by learned counsel for the appellants that the allegations in the first information report would clearly reveal that the incident had taken place at the house of the informant, hence there is no question of public view and as such no offence under the provisions of the SC/ST would apply. It is further clarified by the fact that when the other villagers had started assembling there the accused persons fled away. Learned counsel for the appellants has further submitted that there are general and omnibus allegations on number of accused persons and no specific overt act has been attributed against the present appellants.

5. Learned Special Public Prosecutor for the State and learned counsel for the respondent no.2 opposed the prayer for bail on the ground of allegations made in the first



information report.

6. It *prima facie* appears that the occurrence has taken place at the house of the informant and not in public view, hence the provisions of SC/ST Act would not get attracted.

7. Taking into consideration the facts and circumstances of the case and also considering the fact that no specific overt act has been attributed against these appellants, 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 released 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 the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Sheohar in connection with Sheohar P.S. Case No.100 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./Section 482 (2) of the BNSS,

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

(Soni Shrivastava, J)

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