

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3075 of 2024

Arising Out of PS. Case No.-214 Year-2024 Thana- SUGAULI District- East Champaran

Ali Hasan @ Ali Hasan Miya Son of Late Badri Miya Village- Siswania Tola,
Ward No. 6, Ps- Sugauli, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sugandhi Devi Wife of Binod Ram Village- Sugauli Thana Chowk, Ward No. 15, Ps- Sugauli, Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Uma Kant Mishra, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP
For the Informant	:	Mr. Dhurendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellant, 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 against the rejection of prayer for anticipatory bail vide order dated 20.06.2024 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari in A.B.P. No. 2448 of 2024 in connection with Sugauli P.S. Case No. 214 of 2024 registered for the offence/s punishable under Sections 341, 323, 354, 379, 504/34 of the I.P.C and under Sections 3(1)(r)(s)(w)/3/2(va) of the SC/ST (POA) Act.

3. As per the prosecution case, the informant has



alleged that at about 02:00 p.m., the F.I.R.-named accused persons, including the appellant, along with 50 to 60 others, in a pre-planned conspiracy, came to her house located near the cemetery while returning from a cremation. It is alleged that the appellant ordered others to pull the informant out and hurled caste-based derogatory abuses against her. Thereafter, they all started demolishing her house and it has further been alleged that the named accused persons even attempted to disrobe the informant.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in this case as he had earlier been instrumental in making an application against the informant for encroaching upon the cemetery land. It is further submitted that the appellant is the husband of the Chairman of the Municipality and due to local village politics, he has been named as an accused in the present case without any specific allegation or overt act attributed to him. It is also submitted that the allegations of caste-based abuse are general and omnibus in nature, with no specific words or caste name being attributed to the appellant. Lastly, it has been submitted that the appellant is an accused in two criminal cases.

5. Learned counsel appearing on behalf of the



respondent no. 2 and learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant and has submitted that that the appellant was instrumental in dragging the informant out of her house and her house was being demolished on the instigation of the appellant, who incited the persons who were there returning from cemetery.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 20.06.2024 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari in A.B.P. No. 2448 of 2024 in connection with Sugauli P.S. Case No. 214 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Considering the aforesaid submission and taking into account the fact that there is no specific allegation which would make out an offence under the SC/ST (POA) Act, let the appellant above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(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



Sugauli P.S. Case No. 214 of 2024 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (I) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.
- (ii) The appellant shall not, in any manner, threaten, contact, or attempt to influence the informant or any witness connected with the case.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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