

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3357 of 2024

Arising Out of PS. Case No.-208 Year-2024 Thana- NARPATGANJ District- Araria

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1. Ugranand Yadav @ Udranand Yadav, aged about 67 years, Gender- Male
Son of Late Anandi Yadav
 2. Raju Kumar, aged about 20 years, Gender- Male, Son Of Shailendra Kumar
Kukshiyet @ Sulen Kushiyet
 3. Raja Kumar @ Raja Goit, aged about 18 years, Gender- Male, Son Of Amar
Goit
 4. Shyama Kushiyet @ Shyamanand Baharkher, aged about 55 years, Gender-
Male, Son of Singheshwar Baharkher
 5. Sagar Kumar Baharkher @ Sagar Kushiyet @ Sagar Kumar Kushiyet, aged
about 24 years, Gender- Male, Son Of Shyam Baharkher
 6. Anil Kushiyet, aged about 46 years, Gender- Male, Son Of Taranand
Kushiyet @ Tarachand Kushiyet
 7. Munna Goit @ Amar Kumar Goit, aged about 43 years, Gender- Male, Son
Of Kulanand Goit
 8. Bhola Kushiyat @ Mola Kushiyat @ Ashok Baharkher, aged about 39 years,
Gender- Male, Son Of Singeshwar Baharkher
 9. Vikash Goit @ Ramvilash Goit, aged about 59 years, Gender- Male, Son Of
Kulanand Goit
 10. Guddu Kumar, aged about 23 years, Gender- Male, Son Of Vilas Goit @
Ramvilash Goit
 11. Suman Kushiyet @ Suman Kumar Baharkher, aged about 27 years, Gender-
Male, Son Of Shyam Baharkher @ Shyama Kushiyet
 12. Kari Viraji @ Deo Narayan Viraji @ Deo Narayan Yadav, aged about 55
years, Gender- Male, Son Of Late Kallar Viraji
 13. Gori Kushiyet @ Gori Shankar Kushiyat, aged about 54 years, Gender-
Male, Son Of Late Taranand Kushiyat
- All are Resident Of Village - Khabadh, Kandhauli, Ward No. 1, P.S. -
Narpatganj, District - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Puja Devi Wife Of Dip Narayan Paswan Resident Of Village - Khabadh,
Kandhauli, Ward No. 1, P.S. - Narpatganj, District - Araria

... .. Respondent/s

Appearance :



For the Appellant/s : Mr. Mrigendra Kumar, Advocate
For the Informant : Mr. Gopal Kumar Jha, Advocate
For the State : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 18-12-2025 Heard learned counsel for the appellants; learned
counsel for the informant and learned Spl. PP for the State.

2. The appellants have preferred the appeal under Section 14(A)(2) of the SC/ST (POA) Act against the rejection of prayer for pre-arrest bail vide order dated 21.06.2024 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in Narpatganj P.S. Case No. 208 of 2024 registered under Sections 341, 323, 324, 326, 307, 354(B), 379, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r) and 3(i)(s) of the SC/ST (POA) Act.

3. As per the allegation made in the F.I.R., all the appellants had allegedly entered into the house of the informant and assaulted the husband of the informant causing head and nose injury. The appellants had also tried to outrage the modesty of the informant. Informant belongs to Scheduled Caste and, as such, FIR under Sections 3(i)(r) and 3(i)(s) has been lodged for abusing and taking caste name.

4. Learned counsel appearing on behalf of the appellants submitted that specific allegation of assault is against



appellants no. 1 and 6, who had assaulted the husband of the informant causing head and nose injury. Appellants no. 13 had had abused the informant taking caste name. Learned counsel further submitted that there is land dispute between the parties, for which, the appellants' side had earlier lodged Narpatganj P.S. Case No. 206 of 2024 and only to save the skin, the informant side has lodged the present FIR. Learned counsel further submitted that the alleged incidence has taken place inside the house of the informant, which is not in public view and, as such, no case under Sections 3(i)(r) and 3(i)(s) of the SC/ST (POA) Act is made out against the appellants.

5. *Per contra*, learned counsel appearing on behalf of the informant submitted that the case under Sections 341, 323, 324, 326, 307, 354(B), 379, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r) and 3(i)(s) of the SC/ST (POA) Act is made out against the appellants as they had used caste name of the of the informant and had also assaulted and abused her husband causing head and nose injury.

6. Learned Spl. PP for the State has opposed the prayer for grant of bail to the appellant.

7. FIR is registered registered under Sections 341, 323, 324, 326, 307, 354(B), 379, 504 and 506/34 of the Indian



Penal Code and Sections 3(i)(r) and 3(i)(s) of the SC/ST (POA) Act.

8. The Apex Court in the case of ***Kiran vs. Rajkumar Jivraj Jain & Anr. [Special Leave Petition (Crl.) No. 8169 of 2025]*** referring to its earlier judgments passed in the case of ***Swaran Singh and others vs. State through Standing Counsel and another***, reported in (2008) 8 SCC 435 and ***Hitesh Verma Vs. State of Uttarakhand and another***, reported in (2020) 10 SCC 710 and subsequently referring to ***Karuppudayar Vs. State Rep. by the Deputy Superintendent of Police, Lalgudi Trichy & Ors. [Special Leave Petition (Criminal) No. 8778-8779 of 2024]*** drew distinction between the ‘public place’ and ‘any place within the public view’ held that “if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, then the lawn would certainly be a place within the public view.”

9. I have perused the FIR and the impugned order, as well as, submissions made on behalf of the parties. I find that specific allegation of assaulting the husband of the informant causing grievous nose and head injury and administering poisonous injection into the body of the informant is against



appellants no. 1, 6 and 13. As such, I am not inclined to enlarge the petitioners no. 1, 6 and 13 above named on pre-arrest bail at this stage.

10. So far as, appellants no. 2 to 5 and 7 to 12 are concerned, I find that there is land dispute between the parties, for which, the appellants' side had earlier lodged Narpatganj P.S. Case No. 206 of 2024 and only to save the skin, the informant side has lodged the present FIR. The alleged incidence had taken place inside the house of the informant, which is not in public view and, as such, no case under Sections 3(i)(r) and 3(i)(s) of the SC/ST (POA) Act is made out against the appellants no. 2 to 5 and 7 to 12. I am of the opinion that appellants no. 2 to 5 and 7 to 12 have prima facie made out a case to be released on pre-arrest bail.

11. The appellants no. 2 to 5 and 7 to 12, above named, are directed to be released on bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Narpatganj P.S. Case No. 208 of 2024, subject to the condition as laid down under Section 438



(2) of the Cr.P.C / 482 (2) of the BNSS.

12. Accordingly, the impugned order is modified to
the above extent. The appeal stands disposed of.

(Purnendu Singh, J)

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