

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3441 of 2024

Arising Out of PS. Case No.-513 Year-2022 Thana- OBRA District- Aurangabad

1. Basant Prajapati Son of Late Bali Prajapati @ Late Baliram Prajapati R/O Vill.- Obra, P.S.- Obra, Dist.- Aurangabad.
2. Sakant Prajapati @ Sakant Kumar @ Saket Prajapati Son of Late Bali Prajapati @ Late Baliram Prajapati R/O Vill.- Obra, P.S.- Obra, Dist.- Aurangabad.
3. Nibha Kumari @ Niva Kumari @ Nibha Devi Wife of Surya Prakash Kumar R/O Vill.- Obra, P.S.- Obra, Dist.- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Devi Wife of Satendra Ram @ Satyendra Ram R/O Vill.- Obra, P.S.- Obra, Dist.- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukul Kumari, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-02-2025 1. Heard learned counsel for the appellants and Mr. Sadanand Paswan, learned Special P.P. 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 08.07.2024 in A.B.P. No. 1385 of 2024 passed by the learned Special Judge (SC/ST)-cum-1st Additional Sessions Judge, Aurangabad in connection with Obra P.S. Case No. 513 of 2022 registered under Sections 341, 323, 504, 506, 448, 427, 379 and 325/34 of the Indian Penal Code as well as Sections



3(1)(r)(s) 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 accused persons including the appellants came to the house of the informant and assaulted her and even abused her by taking caste name and threatened her.

4. Learned counsel appearing on behalf of 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 even allegation of assault is general and omnibus in nature. It is next submitted that even presuming what has been alleged is true without admitting then the occurrence did not take place in public view rather at the place of the informant, as such, prima facie, no offence under the SC/ST Act is made out. It is also submitted that a land dispute is pending between the parties. It is further submitted that Title Suit No. 231 of 2022 has been filed from the side of the appellants which is pending adjudication before the learned Sub-Judge, Aurangabad in which the side of the informant are defendants.

5. Learned Special Public Prosecutor opposed the



prayer for anticipatory bail.

6. Considering the submissions made by the learned counsel for the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned Court 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 Court below 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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