

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3290 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- SC/ST District- Sitamarhi

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1. Soman Sah S/O Late Jatan Sah R/O Village - Harkesh, P.S. - Sahiyara, District - Sitamarhi
 2. Lalita Devi W/O Soman Sah R/O Village - Harkesh, P.S. - Sahiyara, District - Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Kiran Devi W/O Dasai Ram R/O Village - Harkesh, P.S. - Sahiyara, District - Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Virendra Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the O.P. No.2	:	Mr. Puspendra Kumar Singh, Advocate
		Mrs. Divya Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 24-11-2025 Heard learned counsel for the appellant, learned counsel for the O.P. No.2 and learned Spl. 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 15.07.2025 in A.B.P. No.44 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 30 of 2025 registered for the offences



punishable under Sections 126, 74, 76, 352, 115(2), 303(2), 351(2) & 3(5) of the BNS as well as Sections 3(1)(r)(s)(w)(i)(ii) & 3(2)(va) of the SC/ST Act.

3. The case of the prosecution in short is that appellant no.1 was having ill-eye over the respondent. On 07.05.2025 he entered in her house and started teasing her and when she objected she was being abused with caste name and got assaulted. When the opposite party no.2 went to complain, it is alleged that the appellants abused her with caste name.

4. Learned counsel for the appellants has submitted that the occurrence is of 07.05.2025 whereas the FIR was lodged on 10.06.2025, after more than one month. It has been submitted that the delay has not been properly explained by the respondents. It has further been submitted that for the occurrence of the same day, the appellant no.2 has filed a case in which case the respondent is also an accused. It has been submitted that present case is the counter blast of the case filed by the appellant no.2.

5. Learned counsel for the respondent has vehemently opposed the appeal and has submitted that there is allegation of abusing with caste name but he has not been able to satisfy this Court regarding the delay.



6. Learned Spl. P.P. for the State also opposes the appeal.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 15.07.2025 in A.B.P. No.44 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 30 of 2025 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each of them 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 Sitamarhi SC/ST P.S. Case No. 30 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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