

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4033 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- SC/ST District- East Champaran

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1. Pramod Ojha Son of Fulena Ojha Resident of village - Dhangarha, P.S.- Dumariyaghat, District - East Champaran.
 2. Himanshu Ojha @ Himanshu Kumar Son of Pramod Ojha Resident of village - Dhangarha, P.S.- Dumariyaghat, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Devi Wife of Ranjit Paswan Resident of village - Dhangarha, P.S.- Dumariyaghat, District - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 25-08-2025 1. Heard learned counsel for the appellants 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 07.03.2024 in A.B.P. No. 704 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, East Champaran, Motihari in connection with Motihari SC/ST P.S. Case No. 09 of 2024 registered for the offences punishable under Sections 341, 323, 354B, 504, 506 and 34 of the Indian Penal Code as well as



Sections 3(1)(r), 3(1)(s), 3(1)(w)(i) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that from perusal of the office report dated 18.08.2025, it would manifest that the notice was received by the husband of the respondent no. 2. Since notice has been received by husband of respondent no. 2 hence the same is deemed to be validly served.

4. Learned counsel for the appellants next submits that appellants are persons with clean antecedent though in the order impugned inadvertently it has been recorded that they have criminal antecedent. It is next submitted that in sum and substance the informant alleges that she had gone to the house of the appellants for seeking wages of her husband and brother-in-law who had worked in the chimney of the appellants, it is next alleged that Pramod Ojha abused her by caste name and thereafter the appellants along with others assaulted her and when her son Sujeet came to rescue her, they all assaulted him and when Rameshwar Paswan, brother-in-law of the informant came to rescue them, all accused persons assaulted him and tore the cloths of the informant.

5. The learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case



case by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the occurrence is alleged to have taken place at the house of the appellants and thus was not in public view, hence, *prima facie* no offence under the SC/ST Act is made out. It is further submitted that there is no injury report on record and the parties have compromised.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

7. In view of the submissions made by the learned counsel for the appellants, the order dated 07.03.2024 in A.B.P. No. 704 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, East Champaran, Motihari in connection with Motihari SC/ST P.S. Case No. 09 of 2024, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five 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 Motihari SC & ST P.S. Case No. 09 of 2024 subject to the conditions as laid down under Section 482 (2) of



the BNSS.

8. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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