

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3491 of 2025

Arising Out of PS. Case No.-64 Year-2025 Thana- BHADAUR District- Patna

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1. Arun Sahni S/o Bishundeo Sahni Resident of village - Benua Wasar, Police Station - Bhadaur, District - Patna
 2. Rekha Devi W/o Indra Sahni @ Indra Kumar Resident of village - Benua Wasar, Police Station - Bhadaur, District - Patna
 3. Rani Devi W/o Arun Sahni Resident of village - Benua Wasar, Police Station - Bhadaur, District - Patna

... .. Appellants.

Versus

1. The State of Bihar
2. Anand Paswan S/o Rampravesh Paswan Resident of village - Benua Wasar, Police Station - Bhadaur, District - Patna

... .. Respondents.

Appearance :

For the Appellants	:	Mr. Arun, Advocate
For the State	:	Mrs. Usha Kumari-1, Special P.P.
For the Respondent No.2:	:	Mr. Bhim Sen Prasad, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 21-11-2025 Heard learned counsel for the appellants, 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 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 23.07.2025 passed by learned Exclusive Special Judge (SC/ST Act), Patna in connection with Bhadaur P.S. Case No. 64 of 2025 registered under Sections 126(2), 115(2), 352, 109(1), 303(3) and 3(5) of the B.N.S. and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

3. The allegation in the first information report is that the accused persons including the present appellants started indulging in abusing and assaulting at Bathan of informant at 5:40 in the morning, while co-accused, Dharmendra Sahni assaulted the brother of the informant, Nitish Kumar, causing injury to him.

4. It is submitted by learned counsel for the appellants that as far as the appellants are concerned, there is general and omnibus allegation of assaulting and abuse but the same is said to have been made at the bathan of the informant at 5:40 in the morning, hence there is no question of public view, as such the provisions of SC/ST Act would not be applicable. There is case and counter case and Bhadaur P.S. Case No.65 of 2025 has been filed by the father of the appellant no.2 against the informant and others. So far as the injured is concerned, there is no allegation at these appellants of having assaulted them.

5. Learned Special Public Prosecutor for the State and learned counsel for the respondent no.2 opposed the prayer for bail on the ground of allegations made in the first information report.



6. It *prima facie* appears that the occurrence has not taken place in public view and hence the provisions of SC/ST Act would not get attracted.

7. Taking into consideration the facts and circumstances of the case and also considering the fact that there is general and omnibus allegation against these appellants and the present case is counter blast of the case filed by father of appellant no.1, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Patna in connection with Bhadaur P.S. Case No.64 of 2025, subject to the condition as laid down under Section 482 (2) of the BNSS,

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Soni Shrivastava, J)

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