

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4277 of 2024

Arising Out of PS. Case No.-371 Year-2024 Thana- DARIYAPUR District- Saran

1. Md. Alim Hussain @ Alim Miya Md. Maksud Alam @ Maksud Alam R/o - Bela, P.S - Dariyapur, District - Saran
2. Mushtak Alam Son of Md. Maksud Alam @ Maksud Alam R/o - Bela, P.S - Dariyapur, District - Saran
3. Aftab Alam Son of Mushtak Alam R/o - Bela, P.S - Dariyapur, District - Saran
4. Khalik Husen @ Khalid Ahamd @ Murga Miya Son of Late Raja Miya @ Raja Miya R/o - Bela, P.S - Dariyapur, District - Saran
5. Manasir Alam @ Samir Alam Son of Maksud Alam @ Md. Maksud Alam R/o - Bela, P.S - Dariyapur, District - Saran
6. Ayub Alam Son of Samshir Alam R/o - Bela, P.S - Dariyapur, District - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Saurabh Shekhar @ Saurabh Kumar Son of Shushil Kumar Chaudhary Resident of Village- Bela, P.S.- Dariyapur, Dsitt.- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar Jha
For the State	:	Ms.Usha Kumari 1
For the O.P. No. 2	:	Mr. Priyadarshi Pankaj Raj Anand

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 03-12-2025 Heard the parties.

2. The present appeal is preferred against the order dated 16.08.2024 passed by the learned court of SC/ST Exclusive Special Judge, Saran at Chapra, arising out of Dariyapur P.S. Case No. 371 of 2024, registered for the offences punishable under Sections 341, 323, 324, 307, 448, 354, 379, 504, 506, 34 of the Indian Penal Code and Section 3(1)(r)(s)(w)



3(2)(Va) of the SC/ST Act, whereby prayer for bail of the appellants came to be rejected.

3. Based upon the *fardbeyan* of the informant, it is alleged that the parties are neighbours and the appellant No. 3 always used to misbehave with the women, girls and family members of the informant. On protest, the accused persons used to threaten by showing pistol. Prior to the occurrence, the appellant No. 3 forcibly gave a mobile set to the sister of the informant and when protest was made, he threatened to kidnap her and kill. When the entire incidence has been brought to the knowledge of the family of the appellant No. 3, all the appellants along with others variously armed barged into the house of the informant and started abusing. It is further alleged that the appellants by abusing their caste name also assaulted the informant and others, besides the allegation of misbehave with the family members as well as causing assault, which led to injury to the informant.

4. Learned Advocate for the appellants submitted that so far the injury caused to the informant is concerned, the same has been attributed against appellant No. 6, however, on examination, the same has been found to be simple in nature. So far the appellant No. 3 is concerned, against whom there is



allegation of eve teasing and causing intentional misbehave with the sister of the informant is concerned, he is a boy of tender age of 19 years and having absolutely fair antecedent. The alleged incidence of abuse by taking caste name took place in the house of the informant and as such not in public view; moreover the same is omnibus in nature and it has not been specifically alleged against any one. It is also the contention of the appellants that the occurrence has not taken place only on account of the fact that the informant and others belong to the members of SC and ST caste.

5. On the other hand, learned Spl. PP for the State as well as learned Advocate for respondent no.2 vehemently opposed the prayer of the appellants and submitted that the entire allegation revolves around appellant No. 3, who used to frequently molest the sister of the informant since long and also hand over the mobile and when protest was made, the appellants have brutally assaulted the informant and others by taking their caste name.

6. This Court has considered the submissions advanced by the respective parties and noticed the nature of accusation, coupled with the fact that informant has sustained simple nature of injury, besides there is omnibus allegation of



abuse by taking the caste name of the informant and others that too within the precinct of the house, which cannot be said to be in a public view as also the fact that the incidence has not taken place only on account of the reason that the informant belongs to the members of vulnerable society; as also the mandate of the Three-Judge Bench of the Hon'ble Supreme Court in the case of ***Hitesh Verma vs. State of Uttarakhand & Anr. [(2020) 10 SCC 710]*** that every insult or intimidation does not attract the offence under Section 3(1) of the SC/ST Act, unless it is targeted intentionally to the members of the SC/ST community because they belong to vulnerable section of the society. The appellants also bear fair antecedent, besides the tender age of the appellant No. 3.

7. Let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of SC/ST Exclusive Special Judge, Saran at Chapra in connection with Dariyapur P.S. Case No. 371 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be



the own/close family members of the appellants.

8. Accordingly, the impugned order dated 16.08.2024
stands set aside. The appeal is allowed.

(Harish Kumar, J)

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