

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4314 of 2024

Arising Out of PS. Case No.-127 Year-2024 Thana- JURAWANPUR District- Vaishali

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1. Nagendra Rai @ Nagendra Kumar, Son of Amar Nath Ray
 2. Jitendra Rai @ Jitendra Kumar, Son of Amar Nath Ray
Both are resident of Village and P.O.- Kala Diyara, P.S.- Salimpur, Dist.- Patna, PIN- 803202.

... .. Appellants

Versus

1. The State of Bihar
2. Parwati Devi, Daughter of Bigu Mahali, R/o Village and P.O.- Chinaro Puriyo, P.S.- Itaki, Dist.- Ranchi, Jharkhand PIN- 835301

... .. Respondents

Appearance :

For the Appellants	:	Mr. Jayram Sharma, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Bhola Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-11-2025 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.

2. Mr. Bhola Prasad, learned counsel appearing *suo motu* for the informant.

3. Both appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act') for setting aside the impugned order dated 09.08.2024 passed by the learned Exclusive Special Judge, SC/ST Act-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Jurawanpur P.S. Case



No.127 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 74, 303(2), 352, 351(2)(3) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.') as well as Sections 3(1)(r)(s)(w)(i) and 3(2)(va) of the Act.

4. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

5. Both accused/appellants are named in the FIR and apprehending their arrest in connection with Jurawanpur P.S. Case No.127 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 74, 303(2), 352, 351(2)(3) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.') as well as Sections 3(1)(r)(s)(w)(i) and 3(2)(va) of the Act.

6. As per FIR, the appellants alleged to assault and abuse by caste name to informant and also to outrage her modesty.

7. It is submitted by learned counsel appearing for the appellants that the informant was working at brick kiln of one Uday Chandra Kumar with whom, the appellants are in inimical terms and upon instigation of said Uday Chandra



Kumar, the present case was lodged against the appellants by making the informant instrumental, who is his labour. It is submitted that the allegation as to abuse in caste name is appearing very much general and omnibus and, therefore, no *prima facie* case appears made out against the appellants under SC/ST Act. While concluding argument, it is submitted that the present FIR was lodged after seven days of the alleged occurrence, which suggest categorically that same was lodged as an afterthought.

8. Explaining criminal antecedent of appellants, it is submitted that appellants were accused of offence punishable under Section 302 of the Indian Penal Code but after trial, both of them were acquitted and secondly, in another case, the appellants were made accused by Uday Chandra Kumar with whom they are in inimical terms.

9. In this context, it is also submitted that Uday Chandra Kumar with whom the informant was working as a labour is a notorious criminal and he involved in 15 inter-state criminal cases including Bihar and Jharkhand.

10. It is submitted that nothing surfaced during the



course of investigation, which may suggest that act of appellant can be said an atrocities within the meaning of Act as to cause present occurrence.

11. Learned counsel for the appellants submitted that if insult is not caused to informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh vs. Parasram @ Purushottam*** as reported in ***[2015 (153)AIC 276]***.

12. Mr. Sadanand Paswan, learned Spl.P.P. duly assisted by Mr. Bhola Kumar, learned counsel appearing for the informant while opposing the prayer of bail as raised through present appeal submitted that the allegation of abuse by caste name is available against appellants. However, he could not disputed the factual submissions as advanced above by learned counsel appearing for appellants.

13. In view of aforesaid factual submissions and by taking note of fact as allegation as to abuse and also to outrage the modesty of informant is appearing very much general and omnibus against the appellants as per facial perusal of FIR, accordingly, both above-named appellants, in



the event of their arrest or surrender within a period of four weeks from today, are directed to 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-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Jurawanpur P.S. Case No.127 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

14. Accordingly, the impugned order dated 09.08.2024 as passed by learned Exclusive Special Judge, SC/ST Act-cum-Additional District and Sessions Judge, Vaishali at Hajipur is set aside.

15. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

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