

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4437 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- RIGA District- Sitamarhi

-
1. Raimun Khatoon Wife of Usman Mansoori Village- Ram Nagra, Ward No. 13, PS- Riga, Dist- Sitamarhi
 2. Usman Mansoori Son of Late Moharram Mansoori Village- Ram Nagra, Ward No. 13, PS- Riga, Dist- Sitamarhi
 3. Nabijan Mansoori son of Late Moharram Mansoori Village- Ram Nagra, Ward No. 13, Ps- Riga, Dist- Sitamarhi
 4. Wahid Ali Ansari Son of Late Umed Ali Ansari Village- Ram Nagra, Ward No. 13, Ps- Riga, Dist- Sitamarhi

... .. Appellants

Versus

1. The State of Bihar
2. Amit Kumar son of Ram Ganesh Paswan Village- Ram Nagra, Ward No. 13, PS- Riga, Dist- Sitamarhi

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Saroj Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Special PP
For the Res. No. 2	:	Mr. Rohit Raj, Advocate
		Mr. Vijay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 17-11-2025

Heard learned counsel for the appellants, learned counsel for the informant/respondent no.2 as well as learned special PP for the State.

2. The present appeal has been preferred by the appellants under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of their prayer for anticipatory bail by order dated 05.08.2024 passed by learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Sitamarhi in connection with



Riga Case No. 39 of 2024 registered for the alleged offences under Sections 341, 323, 324, 504, 506, 354, 379/34 of the Indian Penal Code and Section 3(1)(r)(s)(w)(i) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the sister of the informant was abused by the appellants by taking her caste name. When the sister of the informant forbade them from doing so, she was assaulted with bamboo stick and *farsa*, causing injuries to her. When the informant intervened, he was also assaulted. Co-accused tore the blouse of the sister of the informant and the appellant no. 2 snatched a *Mangalsutra* worth Rs. 1.5 lac from the neck of the sister of the informant.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. There is land dispute between the parties and Title Suit No. 77 of 2013 has been pending between them. Co-accused Maimun Khatoon @ Muniya Khatoon has lodged Riga P.S. Case No. 38 of 2024 against the informant side and in retaliation thereof, the present case has been lodged by the informant side with due deliberation and afterthought. The present case is counterblast by the informant in order to save himself and his family members. The parties are next door neighbours and informant and others want to grab the public land. In the given



facts and circumstances, the allegation for committing the offence under Section 354 IPC is not believable. Allegation of theft is ornamental. Taking caste name has not been in public view and hence, no offence under the provisions of SC/ST (Prevention of Atrocities) Act is made out. The injury of the informant has been found to be simple in nature caused by hard and blunt object and it is an abrasion over left hand finger of size 1"x ¼". On the sister of the informant, no any visible injury was found. This falsifies the whole allegation against the appellants. The appellants are having clean antecedent.

5. Learned Special PP as well as learned counsel for the informant/respondent no. 2 vehemently oppose the submission made on behalf of the appellants. Learned counsel for the respondent no. 2 submits that the informant and his sister were assaulted in public view and clothes of the sister of the informant were torn. From the averment made in the FIR *prima facie* case under Section 3(1)(r)(s)(w)(i) of SC/ST (Prevention of Atrocities) Act is made out.

6. Perused the record.

7. Having regard to the aforesaid facts and circumstances and submissions made on behalf of the parties and considering the earlier version of FIR bearing Riga P.S. Case No. 38 of 2024 and further considering the possibility of false



accusation in the background of earlier dispute to make out a case under the provision of SC/ST (Prevention of Atrocities) Act and also considering the clean antecedent of the appellants, let the appellants above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Sitamarhi in connection with Riga P.S. Case No. 39 of 2024, subject to the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be the close relative of the appellants.
- (ii) The appellants will remain present on each and every date fixed by the court below.

8. Accordingly, the impugned order dated 05.08.2024 is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2025
Transmission Date	19.11.2025

